THE EAGLE AND THE SHIELD

Department of State

American Revolution Bicentennial Administration

The Eagle and the Shield



Development of the Design of the Great Seal Since 1782

Impressions from the dies of 1782 and 1841 (*above*) and from the dies of 1877 and 1885 (*below*). The design of the die of 1904 is shown on the title page, opposite.

THE EAGLE AND THE SHIELD

A History of the Great Seal of the United States

By RICHARD S. PATTERSON
and
RICHARDSON DOUGALL



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FOREWORD

I regret exceedingly that Richard Sharpe Patterson did not live to write and sign this foreword. Unfortunately, he died at Patterson Farm, near Shickshinny, Pennsylvania, on October 13, 1976, and I was asked by the Department of State to see the volume through to publication.

Patterson had completed the basic manuscript, so this is very much his book, both in content and in style—so much so that I have not disturbed his references to himself as "the author" or "the present writer", nor have I changed footnotes that mentioned "the author's files". Those files, containing a voluminous correspondence and many ephemera relating to the Great Seal, have been offered to the Manuscript Division of the Library of Congress so that they will be available as an aid to the research of others.

In varying degrees, however, every chapter of the book is also mine. I have worked on the volume for two and a half years—on a part-time basis through May 1976 and substantially full time during the past thirteen months. At first I was reviewing Patterson's manuscript, raising queries and making suggestions. I later became involved in supplementary research in Washington, Boston, New York, Philadelphia, and Richmond on questions not covered in the basic manuscript, and that research has resulted in many additions and some corrections. After assuming responsibility for the volume, I also found it necessary to modify some of Patterson's conclusions. In footnotes I am generally referred to as "the coauthor", but in the text I have left unchanged a few references to myself by name which had been included, before Patterson's death, in the chapter on the Great Seal die of 1885.

Before his retirement in 1965, Patterson and I had been colleagues in the Historical Office of the Department of State for two decades, and our long friendship survived our frankly (and sometimes sharply) expressed differences of opinion over the writing and organization of the present volume. By the time I met him, in 1944, Patterson—a meticulous researcher trained by Dr. Hunter Miller—was already the United States Govern-

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ment's expert on the history of the Great Seal. He always dreamed of writing a book-length history of the seal to record, in permanent form, information gleaned during his long years of government service. The opportunity to embark on such a project came to him in 1973, when Dr. William M. Franklin (then Director of the Historical Office) and Mr. William L. Blue, of the staff of the American Revolution Bicentennial Commission (later Assistant Administrator for International Affairs, American Revolution Bicentennial Administration), worked out an arrangement under which that Administration funded Patterson's research and writing, and also met the anticipated costs of printing this book. The Bureau of Public Affairs of the Department of State has handled contractual details and paid for the editorial and other costs involved in final publication. I greatly appreciate the continuing interest of Franklin and Blue; of the Honorable John W. Warner, Administrator of the American Revolution Bicentennial Administration; of Mr. William D. Blair, Jr., Deputy Assistant Secretary of State for Public Affairs; and of Franklin's successors, Dr. Fredrick Aandahl and Dr. David F. Trask, now respectively the Associate Historian and the Historian, Department of State.

In putting the book into final form, I found it necessary to make some decisions that normally would have been made by Patterson. First, differences in judgment inevitably arose over the transcription of handwritten materials of the late eighteenth century, particularly with regard to capitalization and punctuation. If a writer formed a capital *U* and a small *u* in the same way, did an added millimeter of height mean that he intended a capital letter or merely that he had begun a word a little expansively? The context sometimes helped. I have capitalized "America" even if the first letter is no larger than the last, but in other words, such as "union", the decision was more difficult. I dare say that no two historians would reach identical conclusions on some of the documents printed in this volume, and the final judgment on these matters has been mine. The same is true with regard to degrees of possibility or probability which have been expressed, as a matter of opinion, when there was no decisive evidence on particular points. Here I agreed with, and retained, most of Patterson's opinions, but I modified or reversed a few of them in the light of

additional research. I should emphasize that a statement that something is possible, likely, or probable is a personal assessment by Patterson and/or Dougall and does not represent an official dictum of the Department of State.

One final editorial matter: The book was in galley proof by the fall of 1976, and a statement that something is the case "now" or "currently" means that this was so late in 1976, although the volume will obviously not be sent to press until the latter half of 1977.

The list of institutions and individuals deserving thanks is a very long one, and I hope that I have not omitted, through ignorance, any acknowledgments which Patterson would have included had he finished a draft of the foreword.

Our thanks first to the libraries and manuscript collections where we worked, and to their capable and helpful staffs: to the Department of State, the National Archives, the Library of Congress, the Folger Shakespeare Library, the Martin Luther King Library, and the Peabody Library Association in Washington; to the New York Public Library and the New-York Historical Society in New York; to the Massachusetts Historical Society in Boston; to the Library Company of Philadelphia, the American Philosophical Society, and the Historical Society of Pennsylvania in Philadelphia; to the Virginia State Library in Richmond; and to the D. Leonard Corgan Library at King's College, the Eugene Shedden Farley Library at Wilkes College, the Osterhout Free Library, and the Wyoming Historical and Geological Society at Wilkes-Barre, Pennsylvania. The Harry S. Truman Library at Independence and the Franklin D. Roosevelt Library at Hyde Park sent information by correspondence, so that it was not necessary to travel to those institutions, for which I am grateful.

Our appreciation too to the Princeton University Press and the Massachusetts Historical Society, which gave permission to quote, respectively, from the Boyd edition of *The Papers of Thomas Jefferson* and the Butterfield edition of the Adams Papers, and to all those who gave permission to include illustrations or excerpts from letters. Credits for individual illustrations are included in the descriptive list of illustrations which follows the table of contents. Thanks are due also to those who have replied to written

and oral inquiries—not only to those who are named in individual footnotes as sources of information, but also to those not named because their replies were negative or because they led us on to other source material. Our gratitude is expressed also to scholars and friends, identified at appropriate places in the footnotes, who first brought to our attention various items of source material or potential areas for research.

This book could not have been written without the encouragement, assistance, and cooperation of Mrs. Bernice C. Renn, Chief, Presidential Commissions, Department of State, and the help of her immediate predecessor, Mrs. Clydia Mae Richardson. These officers between them have worked on matters concerning the Great Seal for more than forty years; the records they have preserved and created are invaluable; and the fact that we could draw freely on their experience has made this volume a much better history than it could have been otherwise. Mrs. Renn's assistants, Miss Sandra F. Sheskin and Miss Josephine W. Weare, were also unfailingly helpful.

A special word of appreciation must be written concerning the cooperation of Dr. Milton O. Gustafson, Chief, Diplomatic Branch, Civil Archives Division, National Archives. His understanding and interest eased our research problems more than I can say. I think that all the members of his staff have also helped on particular problems, but Dr. Ronald E. Swerczek, in particular, deserves thanks for his extensive and expert assistance with respect to Department of State archives and the papers of the Continental Congress, and for his aid in obtaining many of the photographs printed for the first time in this volume. Mrs. Patricia G. Dowling and Mr. Kenneth E. Harris have also been very helpful.

Appreciation must also be expressed separately to Dr. Opal V. Landrum and Mr. Paul J. Connor, of the Institute of Heraldry, United States Army; to Dr. Paul T. Heffron and Dr. Paul G. Sifton, of the Manuscript Division, Library of Congress; to Miss Alma Stevens, of Philadelphia, for hours of research in the libraries of that city; to Miss Mary Barrett, Director, and Mrs. Joan Diana, Reference Librarian, Corgan Library, King's College, for obtaining innumerable volumes on interlibrary loan;

to Mrs. Julia B. Carroll, of Silver Spring, Maryland, for calling attention to dozens of seal impressions (with related materials) during her long career in the Department of State and the National Archives; to Mrs. Sylvia W. Gerber, of Washington, for expert help on all matters involving the Latin language; to Miss Elisabeth Breuer, of Boston, for checking seals on commissions in the Adams Papers; to Mrs. Debra W. Leahy, of the Legislative, Judicial, and Fiscal Branch, Civil Archives Division, National Archives, for finding an 1850 impression of the Vice President's seal; to Mr. William Michael McQuade, of the Office of the Assistant Legal Adviser for Treaty Affairs, Department of State, for guidance on current treaty practice; to my wife, Mrs. Kathleen Cahill Dougall, for valuable suggestions made at the manuscript stage and for her patience and forebearance; to Congressman Daniel J. Flood, of Pennsylvania; to Dr. Albert H. Leisinger, Jr., Deputy Assistant Archivist for the National Archives; to Dr. Whitfield J. Bell, Jr., Librarian, American Philosophical Society; to Dr. Benedict K. Zobrist, Director, Harry S. Truman Library; to Dr. William R. Emerson, Director, Franklin D. Roosevelt Library; to Dr. Harold D. Langley, Associate Curator, Division of Naval History, and Dr. V. Clain-Stefanelli, Curator, Division of Numismatics, National Museum of History and Technology, Smithsonian Institution; to Mr. John P. Heard, Chief, Document Management Branch, Department of the Treasury; to Mrs. Marian S. Carson, of Philadelphia; to Mrs. Florian H. Thayn, of the Office of the Architect of the Capitol; to Dr. Lee H. Burke, Miss Mary M. Brandt, and Miss Bonnie J. Maxwell, of the Office of the Historian, Department of State; to Mrs. M. Elizabeth Denham, Correspondence Officer, Executive Secretariat, Department of State; to Mrs. Daphne B. Sampson and Mr. Dan O. Clemmer, Jr., of the Department of State Library; to Mr. Robert H. McNeill, of the Audio-Visual Services Division, Department of State; to Miss Christine Meadows, Curator, Mount Vernon Ladies' Association, Mount Vernon; to Mrs. Eleanor C. McDowell, editor of the *Digest of United States Practice in International Law;* to Mrs. Bobbye West, of the Photographic Services Branch, Preservation Services Division, National Archives; to Mr.

Harold J. Slaughter, Acting Authentication Officer, Department of State; and to Mr. Stanley C. Dean and the two editors of this book, Mrs. Thelma V. Gulli (now retired) and Miss Anne Katherine Pond, all of the Publishing and Reproduction Division, Department of State.

I cannot close this foreword without expressing my indebtedness to, and admiration for, my colleague's widow, the late Mrs. Marion C. Patterson. Having given much help and encouragement to her husband while he was working on the manuscript, she then took great trouble after her bereavement—knowing herself to be near death also—to facilitate and assure the continuity of work on this history of the Great Seal of the United States. I shall always remember her generosity and her gallant spirit.

RICHARDSON DOUGALL

Washington, June 20, 1977.

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DESCRIPTIVE LIST OF ILLUSTRATIONS

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Development of the Design of the Great Seal Since 1782 ..... *frontispiece* ii

For purposes of comparison, the frontispiece shows photographs of impressions made from the Great Seal dies of 1782, 1841, 1877, and 1885. For enlarged photographs of impressions from those dies, showing greater detail, see illustrations 21, 34, 38, and 45, respectively.

1. First Committee, 1776: Adams' Proposal—Gribelin's Engraving of the Judgment of Hercules 17

Reprinted from an internal title page in volume III of the fifth edition (1773) of *Characteristicks of Men, Manners, Opinions, Times*, by Anthony Ashley Cooper, Earl of Shaftesbury, a book known to have been in John Adams' library. (See Chapter II.) *Courtesy of the Library of Congress.*

2. First Committee, 1776: The Benedict Realizations (1903) of Jefferson's Proposals—The Children of Israel in the Wilderness for the Obverse and Hengist and Horsa for the Reverse 17

Thomas Jefferson gave no instructions as to how his proposed designs were to be drawn. These realizations represent entirely, therefore, the ideas of the artists of G. H. Benedict & Company, of Chicago, which prepared the illustrations for *Story of the Great Seal of the United States* by Bernard J. Cigrand. Reprinted from pages 121 and 127 of that book. (See Chapter II.) *Courtesy of the Institute of Heraldry, United States Army.*

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3. First Committee, 1776: Du Simitière's Drawing of His Proposal 21

The original of this drawing by Pierre Eugène Du Simitière, consultant to the first seal committee, is in the Thomas Jefferson Papers, Manuscript Division, Library of Congress, Washington. (See Chapter II.) *Courtesy of the Library of Congress.*

4. First Committee, 1776: The Lossing Realizations (1856) of the Obverse and Reverse as Reported by the Committee 21

These drawings by Benson J. Lossing were prepared to illustrate his article on the Great Seal which appeared in the July 1856 issue of *Harper's New Monthly Magazine*. They are reprinted from that source, page 180. The design for the obverse was a modification of Du Simitière's proposal (illustration 3). Lossing probably drew his realization of the obverse from the committee's written report, as he had studied the seal designs in Papers of the Continental Congress (then deposited in the Department of State) but had not had access to Du Simitière's original drawing in the Jefferson Papers; this accounts for the many differences in the treatment of the obverse by Du Simitière and Lossing. The design for the reverse was based on a proposal first made by Benjamin Franklin and later redrafted by Thomas Jefferson. These realizations have been reproduced often, but seldom with attribution to their original source. (See Chapter II.) *Courtesy of the Library of Congress.*

5. Second Committee, 1780: Hopkinson's Drawings of His First Proposals for the Obverse and Reverse.. 36

The original drawings by Francis Hopkinson, consultant to the second seal committee, are in Papers of the Continental Congress, item 23, folios 127 and 125, Record Group 360, National Archives, Washington. (See Chapter III.) *Courtesy of the National Archives.*

6. Second Committee, 1780: Hopkinson's Drawings of His Revised Proposals for the Obverse and Reverse 37

The original drawings by Francis Hopkinson, consultant to the second seal committee, are in Papers of the Continental

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Congress, item 23, folios 133 and 135, Record Group 360, National Archives, Washington. They were drawn on a single sheet of paper (now separated into two sheets), with the notation at the bottom stretching across the entire sheet. (See Chapter III.) *Courtesy of the National Archives.*

7. Third Committee, 1782: The Connor Realization (1976) of Barton's First Proposal 58

Drawn especially for this volume by Paul J. Connor, of the staff of the Institute of Heraldry, United States Army (Colonel Charles R. Spittler, Director), under the supervision of Dr. Opal V. Landrum. The following details of Connor's realization were consciously patterned after elements in William Barton's own drawing of his second proposal, made a few days later than this proposal (see illustration 8): the shape of the scrolls, the helmet *affrontée*, the stars with more than five points, the circular arrangement of the stars on the flag, and the right human eye. Only the colors on the shield are here shown with the conventional lines and dots used to represent heraldic tinctures in black-and-white printing; see Chapter IV for Barton's specifications for color in other parts of the design. On the banner held by the sinister supporter, the single star is shown here as an *estoile*. (See Chapter IV.) *Courtesy of the Institute of Heraldry, United States Army.*

8. Third Committee, 1782: Barton's Drawing of His Second Proposal 59

This illustration is a black-and-white print from a negative photograph in color of the original drawing by William Barton, consultant to the third seal committee. That drawing is now (1976) on exhibit in the main exhibit hall of the National Archives, Washington; its permanent location is in Papers of the Continental Congress, item 23, folio 117, Record Group 360, National Archives. In the original drawing the gold stars on the dexter side of the border of the shield are fresh and clear, although they did not reproduce well in black and white. In the original the stars on the sinister side of the border have become dark with the passage of time, and their appearance is therefore well represented in this print. A reproduction of this Barton design, in color, was issued as a National Archives postcard but is now out of print. (See Chapter IV.) *Courtesy of the National Archives.*

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9. Francis Hopkinson 66

Oil portrait (1785) by Robert Edge Pine. (See Chapter III.) *Courtesy of the Historical Society of Pennsylvania.*

10. William Barton 66

Portrait (*circa* 1775) by Charles Willson Peale, owned in 1900 by Dr. William Barton Hopkins, of Philadelphia. The present whereabouts of this portrait are unknown. Reprinted from Anne Hollingsworth Wharton's *Salons, Colonial and Republican*, where it faces page 110. A copy of this portrait, in color and in miniature size (which suggests that the original may have been one of Peale's miniatures), is in the Stauffer Collection, Historical Society of Pennsylvania. (See Chapter IV.) *Courtesy of the Library of Congress.*

11. Fifty-Dollar Bill of 1778, Designed by Hopkinson . . . 66

The unfinished pyramid and motto on this bill, designed by Francis Hopkinson, undoubtedly influenced that portion of William Barton's second proposal which related to the reverse of the Great Seal. (See Chapter III and illustration 12.) *Courtesy of the American Antiquarian Society.*

12. Third Committee, 1782: Barton's Drawing of His Proposal for the Reverse 67

Detail of Barton's second proposal (see illustration 8). This illustration is a print from a black-and-white photograph of the original drawing, in color, by William Barton, consultant to the third seal committee. (See Chapter IV.) *Courtesy of the National Archives.*

13. Charles Thomson, Secretary of Congress 73

Oil portrait (*circa* 1781) by Charles Willson Peale, which hangs in the portrait gallery in the Second Bank of the United States, Philadelphia. (See Chapter V.) *Courtesy of the Independence National Historical Park Collection.*

14. Thomson's Drawing of His Proposal, 1782 76

This illustration is a print from a black-and-white photograph of an original drawing, in color, by Charles Thomson, Secretary of Congress, which is now (1976) on exhibit in the main exhibit hall of the National Archives, Washington. The permanent location of the original drawing is

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in Papers of the Continental Congress, item 23, folio 180, Record Group 360, National Archives. Reproductions in color appear on page 73 of a Library of Congress publication entitled *To Set a Country Free* and on page 12 of a National Archives publication entitled *The Written Word Endures*. (See Chapter V.) *Courtesy of the National Archives.*

15. The Benedict Realization (1903) of Barton's Modification of Thomson's Proposal 77

Prepared by G. H. Benedict & Company, of Chicago, as an illustration for *Story of the Great Seal of the United States* by Bernard J. Cigrand. Reprinted from page 198 of that book, where it is incorrectly identified as "Barton's First Design". This realization is a not entirely accurate representation of the blazon which William Barton prepared on June 19, 1782, as a revision of Charles Thomson's proposal. (See Chapter V.) *Courtesy of the Institute of Heraldry, United States Army*

16. Textile Fragment (*ante* 1150) With Eagle Displayed . . 100

The original fragment is item 58.85.2 in the collections of the Metropolitan Museum of Art, New York, which has catalogued it as "Islamic—Textiles—Woven—Spanish (Hispano-Moresque)" and dated it in the first half of the twelfth century. Woven with silk and metal thread, it came from the reliquary of St. Librada in Sigüenza Cathedral. The central circle, showing an eagle displayed, with red and gold vertical stripes or pales under its wings (suggestive of the arms of Aragon), gives, at a quick glance, a suggestion of the arms of the United States adopted six centuries later. (See Chapter VI.) *Courtesy of the Metropolitan Museum of Art* (Purchase, 1958, Funds from Various Donors).

17. Coin (1551) With Eagle Holding Symbols of Peace and War 100

Drawing by L. Dardel of the reverse of a silver coin of the Kingdom of the Two Sicilies, showing a crowned eagle holding an olive branch and thunderbolts in its talons. The legend includes the date (1551) and the motto (*Svvm Cviqve*) of the Emperor Charles V, who was also King of the Two Sicilies and whose portrait appears on the obverse of the coin. This drawing was included in plate 126 of volume II of the original edition (1865–1869) of *Descripción general*

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de las monedas hispano-cristianas desde la invasión de los árabes by Aloïss Heiss; it is here reproduced from the 1962 reprint of that work. This coin or one like it was probably the source for Camerarius' emblem of 1597. (See Chapter VI and illustration 19.) *Courtesy of the Library of Congress.*

18. Cut From an English Emblem Book (1618) With Eagle Holding Symbols of Peace and War..... 100

This illustration is the fourth emblem in *The Mirrovr of Maiestie*, published in 1618 by H.G. (Sir Henry Goodyere). The eagle holds a sword with a coronet in its right or dexter talon and olive branches and a crown in its left or sinister talon. An accompanying poem in the book refers to this "*Embleme* of soft *Peace* and warlike *bands*". The sun, surrounded by a glory, is typical of the treatment of celestial bodies in emblem book illustrations. This cut is reproduced from a facsimile reprint (1870) of *The Mirrovr of Maiestie* issued by the Holbein Society. (See Chapter VI.) *Courtesy of the Library of Congress.*

19. Page From Camerarius' Emblem Book (1597) With Eagle Displayed and Symbols of Peace and War.. 101

This page shows and explains the first emblem in *Symbolorvm & emblematvm ex volatilibvs et insectis desvmtorvm centvria tertia, collecta a Ioachimo Camerario, medico Norimberg*, issued at Nürnberg in 1597. At the top of the page is the motto *Cviqve Svvm*, with an emblem underneath, engraved by Hans Sibmacher, showing an eagle with an olive branch and a thunderbolt (cf. illustration 17). Although Sibmacher did not depict the eagle as actually grasping these symbols, the accompanying Latin text indicated clearly that they were to be construed as being held in the eagle's talons as a reminder of duty in peace and war. The attitude of the eagle (although not the artist's drawing of the bird) and the symbolism of this emblem are strikingly similar to the design and symbolism of the obverse of the Great Seal of the United States. Camerarius' emblems are known to have been used in Philadelphia in 1775 as patterns for currency issued under the authority of the Continental Congress, and a later edition of Camerarius' emblems was owned by Benjamin Franklin. (See Chapter VI.) *Courtesy of the Library of Congress.*

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20. The Great Seal Die of 1782..... 124

This first die of the Great Seal, possibly engraved by Robert Scot, of Philadelphia, is now (1976) on exhibit in the main exhibit hall of the National Archives, Washington. Its permanent location is in Record Group 11, National Archives. Another photograph of the die, taken from a different angle to show all three dimensions, is reproduced in *The American Eagle* by Philip M. Isaacson, page 27. (See Chapter VII.) *Courtesy of the National Archives.*

21. Impression From the Die of 1782..... 125

This impression, on a saw-toothed seal paper which was affixed to the parchment document by an adhesive wafer, is on the proclamation, dated May 4, 1802, and signed by President Thomas Jefferson, of a treaty with the Chickasaw Indians signed October 24, 1801. The original proclamation is preserved in the file of Indian treaties, No. 30, Record Group 11, National Archives, Washington. (See Chapter VII.) *Courtesy of the National Archives.*

22. Full Power Issued to Washington (1782), Impressed With the First Seal Die..... 129

This full power, on parchment, dated September 16, 1782, is preserved in the George Washington Papers in the Manuscript Division, Library of Congress, Washington. It was the first document impressed with the new Great Seal of the United States. It authorized and empowered Washington to negotiate and sign an agreement with the British for the exchange, subsistence, and better treatment of prisoners of war. (See Chapter VII.) *Courtesy of the Library of Congress.*

23. Skippet and Pendant Seal (Impressed With the Die of 1782) Affixed (1815) to the United States Instrument of Ratification of the Treaty of Ghent.... 172

The United States instrument of ratification of the treaty of peace with Great Britain signed at Ghent, December 24, 1814 (at the end of the War of 1812), with a pendant seal enclosed in a silver skippet manufactured by Charles A. Burnett, is preserved in the Public Record Office, London. The skippet and seal were affixed following ratification of the treaty by President James Madison on February 17, 1815. For this photograph, made especially for this volume

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in 1976, the skippet was opened to expose the seal impression within. (Cf. illustration 24.) (See Chapter VIII.) *Courtesy of the Public Record Office.*

24. Maker's Mark on the Skippet Shown Above..... 172

Detail of markings engraved by Charles A. Burnett, of Georgetown, the manufacturer, on the skippet attached to the United States instrument of ratification of the Treaty of Ghent (cf. illustration 23). (See Chapter VIII.) *Courtesy of the Public Record Office.*

25. The Masi Treaty-Seal Die of 1825..... 178

This die, engraved by Seraphim Masi for use in impressing pendant seals to be attached to treaties and some other types of documents, is preserved in Record Group 11, National Archives, Washington. (See Chapter VIII.) *Courtesy of the National Archives.*

26. Impression From the Die of 1825..... 179

This impression is on the pendant wax seal affixed to the United States instrument of ratification (preserved in the Public Record Office, London) of the naturalization convention with Great Britain signed May 13, 1870. (See Chapter VIII.) *Courtesy of the Public Record Office.*

27. Cover of a Masi Skippet..... 184

This example of the cover of a skippet manufactured by F. Masi & Company, of Washington, is preserved in the file of unperfected treaties, I2, in Record Group 11, National Archives, Washington. It is attached to the United States instrument of ratification prepared for exchange (but never exchanged because of the rejection of the agreement by the Mexican Chamber of Deputies) of a convention with Mexico, signed January 25, 1851, for the protection of a transitway across the Isthmus of Tehuantepec (See Chapter VIII.) *Courtesy of the National Archives.*

28. Cover of a Lewis Skippet..... 185

This example of the cover of a skippet manufactured by Samuel Lewis, of Washington, is preserved in the file of unperfected treaties, P2, in Record Group 11, National Archives, Washington. It is attached to the United States instrument of ratification prepared for exchange (but never exchanged because of the failure of the other party to

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ratify) of the convention with the Netherlands, signed May 29, 1856, for the mutual delivery of criminals and fugitives from justice, and for other purposes. The Lewis skippets—very similar in design to Masi skippets but with no encircling border of stars and a bolder eagle—were used to enclose pendant seals impressed with the Masi treaty-seal die, but at least one Lewis skippet enclosed a pendant seal impressed with the mold from which the skippet cover itself had been made. (See Chapter X.) *Courtesy of the National Archives.*

29. Francesco Masi 199

Portrait of the proprietor of F. Masi & Company, of Washington, which supplied Great Seal skippets to the Department of State. Francesco Masi was the father of Seraphim Masi, who engraved the treaty-seal die of 1825. (See Chapter VIII.) *Courtesy of Miss Elizabeth J. Masi.*

30. Max Zeitler 199

Portrait of the engraver of the Great Seal die of 1904, reprinted from a publication of the German Daily Gazette Publishing Company, of Philadelphia, devoted to "prominent and progressive German-Americans" of the Philadelphia area and entitled *Hervorragende und fortschrittliche Deutsch-Amerikaner von Philadelphia, Pennsylvanien, und Umgegend.* (See Chapter XIII.) *Courtesy of the Joseph Horner Memorial Library of the German Society of Pennsylvania.*

31. John Peter Van Ness Throop 199

Oil portrait (1845) by John Cranch, of the engraver of the Great Seal die of 1841. (See Chapter IX.) *Courtesy of Mrs. Eva K. Steinmiller.*

32. Herman Baumgarten 199

Photograph of the engraver of the Great Seal die of 1877, reprinted from *The City of Washington: Its Men and Institutions*, published by the *Washington Post*, page 279. (See Chapter XI.) *Courtesy of the Library of Congress.*

33. The Throop Die of 1841 202

This die, engraved by John Peter Van Ness Throop, is preserved in Record Group 11, National Archives, Washington. It departed from the blazon of the Great Seal in showing only six arrows in the eagle's sinister talon, and

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was the first seal die to have five-pointed stars. (See Chapter IX.) *Courtesy of the National Archives.*

34. Impression From the Die of 1841 203

This impression is on the proclamation, dated May 8, 1845, and signed by President James K. Polk, of the convention with the Grand Duchy of Hesse, signed March 26, 1844, for the mutual abolition of the *droit d'aubaine* and taxes on emigration. The original proclamation is preserved in the file of Treaty Series No. 170 in Record Group 11, National Archives, Washington. (See Chapter IX.) *Courtesy of the National Archives.*

35. George Bartle and the Inca Press 213

This drawing by William Allen Rogers, then a staff artist for *Harper's*, was printed to illustrate an article by Martha J. Lamb in the March 1878 issue of *Harper's New Monthly Magazine*. It is reprinted from that source, page 485. It shows Bartle, who was custodian of the Great Seal from about 1852 until his death in 1899, with the Inca press for the seal, manufactured by R. Hoe & Company, of New York. (See Chapter IX.) *Courtesy of the Library of Congress.*

36. The Lewis Skippet-Cover Mold, Used as a Die in 1871 220

This mold, used in the manufacture of skippet covers by Samuel Lewis, of Washington, was used at least once in 1871 as a Great Seal die. It is preserved in Record Group 11, National Archives, Washington. (See Chapter X and illustration 37.) *Courtesy of the National Archives.*

37. Impression From the Lewis Skippet-Cover Mold 221

This impression is on the pendant seal affixed to the United States instrument of ratification (preserved in the State Archives, Rome) of the treaty of commerce and navigation with Italy signed February 26, 1871. It was photographed in the Italian archives in 1949. (See Chapter X.) *Courtesy of the Italian State Archives.*

38. Impression From the Die of 1877 227

This impression is on the proclamation, dated August 1, 1879, and signed by President Rutherford B. Hayes, of the consular convention with the Netherlands signed May 23,

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1878. The original proclamation is preserved in the file of Treaty Series No. 254, Record Group 11, National Archives, Washington. (See Chapter XI.) *Courtesy of the National Archives.*

39. Preliminary Drawings (1883/1884?) for the Obverse and Reverse 241

These drawings, which resemble each other (and differ from all other known drawings of the Great Seal) in style of execution, are preserved in a file pertaining to the illustrations for a 1909 publication of the Department of State, Record Group 59, entry 855, National Archives, Washington. They are drawn on cards of different sizes and have no indication of their origin on them, but they fit surviving descriptions of preliminary sketches submitted by Tiffany & Company, of New York, that were under discussion in the Department of State in 1883 and 1884. Each sketch shows evidence of haste in preparation: the drawing of the obverse has seven red and six white stripes on the shield instead of seven white and six red stripes, and in the motto *Annuit Cœptis* on the reverse the second word is misspelled. (See Chapter XII.) *Courtesy of the National Archives.*

40. James Horton Whitehouse 255

Anonymous sketch of the designer of the Great Seal die of 1885, reprinted from the *National Cyclopedia of American Biography*, volume IV, page 169. (See Chapter XII.) *Courtesy of the Department of State Library.*

41. Theodore F. Dwight 255

Dwight, as Chief of the Bureau of Rolls and Library, Department of State, had responsibility within the Department for decisions on the new realization of the Great Seal blazon that formed the design for the seal die of 1885. This photograph is preserved in a file of pictorial records on diplomatic affairs and Department officials, Record Group 59, item 441, National Archives, Washington. (See Chapter XII.) *Courtesy of the National Archives.*

42. Whitehouse's Preliminary Drawing (1884) for the Obverse 255

Two examples of this drawing are preserved in a file of miscellaneous records relating to the Great Seal in Record Group 59, entry 856, National Archives, Washington. This

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sketch is thought to be the drawing of the obverse submitted to the Department of State on December 13, 1884, by Tiffany & Company, of New York. It was drawn by, or under the supervision of, that firm's chief designer, James Horton Whitehouse. (See Chapter XII.) *Courtesy of the National Archives.*

43. Newspaper Print (1885) of Whitehouse's Final Design for the Obverse..... 255

This print appeared in the *Daily Graphic* (New York) on May 14, 1885, page 591, and is reprinted from that source. With the permission of the Department of State, the *Graphic* had borrowed from Tiffany & Company the final drawing for the Great Seal die of 1885. The drawing itself cannot now be found, so this print made from it is the nearest approximation now available to Whitehouse's final design. (See Chapter XII.) *Courtesy of the Library of Congress.*

44. The Tiffany Die of 1885..... 276

This die, engraved by an anonymous employee of Tiffany & Company, of New York, is preserved in the Presidential Commissions office, Department of State, where it came to light and was identified in July 1976. (See Chapter XII.) *Courtesy of the Presidential Commissions office.*

45. Impression From the Die of 1885..... 277

This impression is on the proclamation, dated June 4, 1889, and signed by President Benjamin Harrison, of a supplementary convention with Venezuela signed October 5, 1888. The original proclamation is preserved in the file of Treaty Series No. 371, Record Group 11, National Archives, Washington. (See Chapter XII.) *Courtesy of the National Archives.*

46. The Tiffany Press and Cabinet, 1885..... 291

This photograph, taken in 1903 or early in 1904 for Bernard J. Cigrand, is reprinted from the collection of photographs and other materials on unnumbered pages following page 286 in Cigrand's *Story of the Great Seal of the United States.* (See Chapter XII.) *Courtesy of the Institute of Heraldry, United States Army.*

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47. Zeitler Engraving the Die of 1904 291

This photograph, taken in 1903 for Bernard J. Cigrand, is reprinted from the collection of photographs and other materials on unnumbered pages following page 286 in Cigrand's *Story of the Great Seal of the United States*. Cigrand's original caption (not reproduced) erroneously identified the engraver as Max Geitler. (See Chapter XIII.) *Courtesy of the Institute of Heraldry, United States Army.*

48. The Zeitler Die of 1904 306

This die, engraved in 1903 by Max Zeitler, of the Philadelphia firm of Bailey Banks & Biddle, and first used in 1904, is still in use and is affixed to the Great Seal press in the exhibit hall of the Department of State Building, Washington. This photograph was taken when the seal press was disassembled in connection with the preparation of new counter-dies. (See Chapter XIII.) *Courtesy of the Presidential Commissions office, Department of State.*

49. Impression From the Die of 1904 307

This impression is on a proclamation, dated July 1, 1915, and signed by President Woodrow Wilson, asking for the active interest of the nation in the National Negro Exposition to be held in Richmond later in that month. The original proclamation is preserved in Proclamations, 1914–1915, Record Group 11, National Archives, Washington. (See Chapter XIII.) *Courtesy of the National Archives.*

50. The Hoe Cabinet (1904) Closed 310

This cabinet for the Great Seal was made by Frederick S. Betchley, chief cabinetmaker for R. Hoe & Company, of New York. Still in use, it is located in the exhibit hall of the Department of State Building, Washington. This photograph was taken March 1, 1974, by Walter J. Booze. (See Chapter XIII.) *Courtesy of the Audio-Visual Services Division, Department of State.*

51. The Hoe Press and Cabinet (1904) Open 311

An open view of the cabinet described under illustration 50. This photograph was taken March 1, 1974, by Walter J. Booze. (See Chapter XIII.) *Courtesy of the Audio-Visual Services Division, Department of State.*

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52. Robert Brent Mosher..... 315

Mosher, as Chief of the Bureau of Appointments, Department of State, was custodian of the Great Seal from 1899 to 1905, and supervised the final adjustment of the die and counter-die in the Hoe press before the new Zeitler die of the Great Seal was first used in 1904. This photograph is preserved in Mosher's file under Applications and Recommendations, Record Group 59, item 333, National Archives, Washington. (See Chapter XIII.) *Courtesy of the National Archives.*

53. Charles Ray Dean..... 315

Dean, as Chief of the Bureau of Appointments, Department of State, was custodian of the Great Seal from 1905 to 1908. This likeness is taken from a group photograph, by Waldon Fawcett, of the United States Delegation (of which Dean was secretary) to the Pan-American conference held at Rio de Janeiro in 1906. It is reprinted from the April 28, 1906, issue of *The Outlook*, page 980. (See Chapter XIII.) *Courtesy of the Library of Congress.*

54. Miles M. Shand..... 315

Detail of a photograph (now in the Prints and Photographs Division, Library of Congress) taken December 28, 1928, while Shand was administering the oath of office as Minister to El Salvador to Warren Delano Robbins. Shand, as Chief of the Bureau of Appointments, Department of State, was custodian of the Great Seal from 1908 to 1924. (See Chapter XIII.) *Courtesy of Underwood and Underwood News Photos.*

55. Percy F. Allen..... 315

Allen, who had various titles during the period in question, was custodian of the Great Seal from 1924 to 1942. This photograph was taken early in his career by Harris and Ewing, of Washington. (See Chapter XIII.) *Courtesy of Mr. Henry Allen.*

56. Clydia Mae Richardson, With Secretary of State Dulles..... 323

Mrs. Richardson was known, though unofficially, as "keeper of the Great Seal", which was in her charge from 1942 to 1970. This photograph was taken July 1, 1955,

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during the ceremonies at which Secretary of State John Foster Dulles opened a public display on the Great Seal. Deputy Under Secretary of State Loy W. Henderson is in the left background. (See Chapter XIII.) *Courtesy of the Audio-Visual Services Division, Department of State.*

57. Bernice C. Renn..... 323

Mrs. Renn has been the officer responsible for matters concerning the Great Seal since 1970. (See Chapter XIII.) *Courtesy of the Audio-Visual Services Division, Department of State.*

58. Counter-Dies Prepared in 1866 and 1903..... 331

The counter-die at the left, which was installed in February or March 1866 for use with the Throop die of 1841, is preserved in Record Group 11, National Archives, Washington. The counter-die at the right was one of two prepared in 1903 by the United States Mint at Philadelphia for use with the Zeitler die of 1904. It is preserved in the Presidential Commissions office, Department of State. (See Chapters XIII and XIV.) *Courtesy of the National Archives* (counter-die of 1866) *and the Presidential Commissions office* (counter-die of 1903).

59. Head of Blank Mediterranean Passport, Showing Detachable Top..... 349

Mediterranean passports were a type of sea letter issued under the Great Seal. When issued, the tops were detached along a precut wavy line, which shows clearly on this photograph, and were sent to the rulers of the Barbary states, who distributed them among their officers so that they could determine the validity of the passports of American vessels. A completed Mediterranean passport, with the top detached and the Great Seal affixed, is illustrated in a Department of State publication entitled *The United States Passport, Past, Present, Future*, page 16. The blank passport shown here is preserved in the museum of the Passport Office, Department of State. (See Chapter XIV.) *Courtesy of the Passport Office.*

60. Head of Passport With John Quincy Adams' Personal Seal as the Emblem..... 349

From about 1823 to 1865, American passports bore at the top an emblem which Secretary of State (later President)

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John Quincy Adams had adopted as his personal seal, based on the writings of Manilius. This illustration, showing that emblem, is a photograph of the top portion of a passport dated May 25, 1850, in the name of Isaac Cockfair, preserved in Record Group 59, entry 712, National Archives, Washington. Photographs of entire passports with the Adams emblem are reproduced in a Department of State publication entitled *The United States Passport, Past, Present, Future*, pages 62 and 83. (See Chapter XX.) *Courtesy of the National Archives.*

61. Title Page of a Pamphlet Issued by Franklin's Passy Press 385

Benjamin Franklin's French edition of the constitutions of the thirteen States is the first known use of the Great Seal device on an official publication of the United States Government. Franklin, who was Minister Plenipotentiary to France when this pamphlet was issued in 1783, obviously had the device copied from an original impression of the Great Seal on the instrument of ratification of a treaty which had been sent to him for the purpose of exchanging ratifications. (See Chapter XV.) *Courtesy of the Library of Congress.*

62. Washington's Pew in St. Paul's Chapel, With the Coat of Arms of the United States Above It..... 387

Oil painting of the coat of arms (the device of the obverse of the Great Seal) ordered by the vestry of Trinity Church in 1785 for installation in St. Paul's Chapel, at Broadway and Fulton Street, New York City. It was presumably in place when Washington attended a service in the Chapel following his inauguration as President in 1789. The identity of the artist is unknown. (See Chapter XV.) *Courtesy of the Reverend Robert C. Hunsicker, Vicar, St. Paul's Chapel.*

63. The Trenchard Realization (1786) of the Obverse.... 390

Reprinted from an engraving by James Trenchard, of Philadelphia, which appeared in the September 1786 issue of the *Columbian Magazine*, where it faced page 33. Trenchard's engraving was obviously drawn from the blazon of the obverse, not from the actual die of the Great Seal or from an impression from that die. As the first realization of the obverse which had any wide circulation in print, it

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influenced many later representations of the seal device. (See Chapter XV.) *Courtesy of the Library of the American Philosophical Society.*

64. The Trenchard Realization (1786) of the Reverse.... 391

A companion piece to the engraving of the obverse reproduced as illustration 63, this realization of the reverse of the Great Seal—believed to be the first ever prepared—was likewise engraved by James Trenchard, of Philadelphia, from the blazon. It is reprinted from the October 1786 issue of the *Columbian Magazine*, where it appeared as the frontispiece. Despite its early date, it had far less influence on subsequent renderings of the reverse of the Great Seal than a later realization by Benson J Lossing. (See Chapter XV and illustration 70.) *Courtesy of the Library of the American Philosophical Society.*

65. Reverse of the Diplomatic Medal, 1792..... 393

Two examples of the Diplomatic Medal were struck in France in 1792, in gold, for presentation to former French diplomatic representatives to the United States. The present whereabouts of the original medals, designed by the French artist Augustin Dupré, are unknown. The reverse is here photographed from a later copy in bronze struck by the United States Mint. (See Chapter XV.) *Courtesy of the Bureau of the Mint.*

66. Reverse of the Bicentennial Medal, 1976..... 393

The National Bicentennial Medal was struck by the United States Mint in gold, sterling silver, gold-plated bronze, and bronze, and in four sizes, to commemorate the two hundredth anniversary of American independence. The reverse of the 3-inch silver medal is illustrated here. Frank Gasparro was responsible for the design. (See Chapter XV.) *Courtesy of the American Revolution Bicentennial Administration.*

67. Obverse and Reverse of the Great Seal Centennial Medal, 1882..... 393

At the suggestion of Charles A. L. Totten, the United States Mint struck in 1882 a medal to commemorate the one hundredth anniversary of the adoption of the device of the Great Seal. This medal, designed by Charles E. Barber, showed the obverse and reverse designs of the seal on the obverse and reverse of the medal. Barber's design for the

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obverse combined elements from the Trenchard realization of 1786 (illustration 63) and the Diplomatic Medal (illustration 65) and bore little relationship to either the first seal die, cut in 1782 (illustration 20), or the die in actual use in 1882 (illustration 38). Barber's reverse—the first realization of the blazon of the reverse issued officially by the United States Government—was modeled closely after the 1786 Trenchard reverse (illustration 64). (See Chapter XV.) *Courtesy of the Bureau of the Mint.*

68. Indian Peace Medals of 1789 and 1792..... 395

Medals prepared during the presidency of George Washington for presentation to Indian chiefs were engraved on the reverse side with a realization of the device of the obverse of the Great Seal. As the medals were individually engraved by different craftsmen, the device of the seal differed considerably from medal to medal, but all were influenced by Trenchard's realization published in 1786 (illustration 63). Both examples shown here followed Trenchard in using thirteen five-pointed stars. The 1789 medal, however, omitted the motto *E Pluribus Unum* and included a legend, "The United States of America", that is not part of the seal blazon. The 1792 medal is said to have been presented to Chief Ojagetti of the Cayugas. (See Chapter XV.) *Courtesy of the American Numismatic Society* (1789 medal) *and the Public Archives of Canada* (1792 medal).

69. Indian Peace Medals of 1793 and 1795..... 395

These medals resemble those in illustration 68 and were prepared for the same purpose, but used six-pointed stars in the crest. The 1793 medal has fourteen stars—presumably an error, since it neither conformed to the blazon, which called for thirteen, nor represented the number of States in the Union, which had been fifteen since the admission of Kentucky in 1792. The 1795 example increased the number of stars to fifteen, presumably to reflect the number of States, although the blazon remained unchanged in its prescription of thirteen stars. Both these examples are stamped *IR*, the maker's mark of Joseph Richardson, of Philadelphia. (See Chapter XV.) *Courtesy of the Chicago Historical Society* (1793 medal) *and the Western Reserve Historical Society* (1795 medal).

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70. The Lossing Realization (1856) of the Reverse..... 398

This drawing of the reverse appeared on page 184 of the July 1856 issue of *Harper's New Monthly Magazine* as an illustration for an article by Benson J. Lossing on the Great Seal of the United States. It is reprinted from that source. So far as is known, this is only the second drawing of the reverse to appear in print in the history of the Republic, and it was apparently prepared directly from the blazon, without reference to the Trenchard realization of 1786 (illustration 64). The Lossing realization has clearly influenced later drawings of the reverse. (See Chapter XV.) *Courtesy of the Library of Congress.*

71. Hunt's Print (1909) of the Obverse..... 399

Reprinted from Gaillard Hunt's *History of the Seal of the United States*, where it faces page 63. It is by far the most expert and detailed black-and-white drawing of the design for the Great Seal die of 1904—so expert, in fact, that one suspects that Hunt may have obtained and printed the drawing used by Max Zeitler for engraving that die. (See Chapter XV.) *Courtesy of the Audio-Visual Services Division, Department of State.*

72. The Graham Realization in Color (*circa* 1890) of the Obverse of the Great Seal.....*facing* 400

Reproduced from a chromolithograph by Andrew B. Graham, Washington lithographer, which has decorated the office—certainly since 1934, and probably for several decades longer—of the officer in the Department of State responsible for matters pertaining to the Great Seal. Produced soon after the Great Seal was redesigned in 1885, this realization may show better than any other what those responsible for the new design had in mind with respect to color. (See Chapter XV.) *Courtesy of the Presidential Commissions office, Department of State.*

73. The Teagle & Little Realization in Color (1972) of the Reverse of the Great Seal.....*facing* 401

Reproduced from a lithograph by Teagle & Little, of Norfolk, Virginia, prepared under contract from the Department of State. This realization, like those in previous Department publications, stems basically from the Lossing

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realization of the reverse printed in 1856. (See Chapter XV and illustration 70.) *Courtesy of the Audio-Visual Services Division, Department of State.*

74. Model of the Back of the Dollar Bill (Series 1935), With President Roosevelt's Annotations..... 405

A model for the back of the $1 bill in series 1935, designed by Edward M. Weeks, of the Bureau of Engraving and Printing, was submitted to President Franklin D. Roosevelt for approval. After approving the model, the President scratched out his notation of approval and directed (1) that the legend "The Great Seal of the United States" be added (in two parts) and (2) that the positions of the obverse and reverse of the seal be changed, so that the reverse (which he indicated by a rough pyramid) would appear on the left and the obverse (which he indicated by a very roughly drawn eagle) would appear on the right. The annotated model has the following typed endorsement (not shown in the reproduction): "Received by the Engraving Division June 26, 1935". (See Chapter XV.) *Courtesy of the Bureau of Engraving and Printing.*

75. The *Daily Graphic* Print (1885) of Early Presidential Seals..... 421

Reprinted from the issue of the *Daily Graphic* (New York) for July 3, 1885, page 20. The drawings shown here were based on information which the *Graphic* obtained from the heirs of Edward Stabler, who cut dies for two seals for President Millard Fillmore in 1850; one of those seals is the largest cut shown in the illustration. An earlier Presidential seal is captioned "The Old Seal". (See Chapter XVI.) The small illustration at the lower right, marked "The President's Seal", is a copy of an illustration for an article by Benson J. Lossing showing a seal used by Thomas Mifflin when he was President of the Continental Congress (cf. illustration 92). (See Chapter XX.) *Courtesy of the Library of Congress.*

76. Coat of Arms Used by President Hayes..... 427

This photograph shows the coat of arms of the President, as embossed in gold at the top of a blank form for a dinner invitation used during the administration of President Rutherford B. Hayes (1877–1881). The form from which this photograph was made is in the White House Documents file, Divi-

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sion of Political History, National Museum of History and Technology, Smithsonian Institution, Washington. Another Hayes invitation form, preserved in the Office of the Curator of the White House, has a similar coat of arms embossed with a different die, on which horizontal lines were engraved to represent the blue field behind the stars of the crest. (See Chapter XVI.) *Courtesy of the Smithsonian Institution*, Negative No. 77-10304.

77. Coat of Arms on a Plate From the Service Ordered (1918) for President Wilson..... 427

The service plate shown here was manufactured by Lenox, Incorporated, as part of a state service of china ordered by the White House on March 30, 1918, and obtained through the Washington firm of Dulin, Martin. Other pieces in the service had the coat of arms on the upper rim. Except that the eagle, crest, arrows, and olive branch were shown on the plate in gold, the design for this plate followed closely the central device of the President's flag as redesigned in 1916. The service is illustrated in color in *Official White House China* by Margaret Brown Klapthor, pages 148–149, 152. (See Chapter XVI.) *Courtesy of the Smithsonian Institution*, Negative No. 41694–A.

78. Zieber's Print (1895) of the President's Seal..... 431

In 1895 the department of heraldry of the Bailey Banks & Biddle Company, of Philadelphia, issued the first edition of *Heraldry in America*, by Eugene Zieber. The print of the seal of the President of the United States, as shown on page 106 of that book, was based on an actual impression from the President's seal that had been obtained from Henry T. Thurber, private secretary to President Grover Cleveland during the latter's second administration, which began March 4, 1893. For want of any known surviving impression from the President's seal as used at that time, the Zieber print constitutes the principal evidence on the details of the seal's design. It is here reprinted from the second edition (1909) of Zieber's book, which reproduced the seal without change from the first edition. (See Chapter XVI.) *Courtesy of the Library of Congress.*

79. Impression (1936) From the Presidential Seal..... 431

Photograph of an impression made in black ink on paper, March 27, 1936, from the die of the President's seal then in use. (See Chapter XVI.) *Courtesy of the White House.*

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80. The "Dorsett Seal", Perhaps a Gift to Washington.. 431

This seal die, which may have been given to George Washington for use as a Presidential seal, was in the possession of Palemon Howard Dorsett, of Washington, when it was first brought to the attention of the Department of State in 1894. The die is preserved at Mount Vernon. This photograph is printed with the negative reversed. (See Chapter XVI.) *Courtesy of the Mount Vernon Ladies' Association.*

81. The Martiny Plaque (1903) of the President's Seal... 431

This plaque was placed in the floor of the White House in 1903, during the administration of President Theodore Roosevelt, and represents the President's seal in use as of that date. It is the work of the sculptor Philip Martiny. The plaque was moved during the renovation of the White House in the Truman administration, and it is now above the door of the Diplomatic Reception Room. (See Chapter XVI.) *Courtesy of the Office of the Curator, the White House.*

82. Print (*circa* 1915) of the Seal of the President, With Annotations on the Design of His Flag..... 452

By early May 1916 President Woodrow Wilson had obtained (probably from Bailey Banks & Biddle, of Philadelphia) prints in color of the design of the seal of the President of the United States. The source copy for this illustration is filed in series 2 of the Woodrow Wilson Papers in the Manuscript Division of the Library of Congress with a letter of May 24, 1916, from Assistant Secretary of the Navy Franklin D. Roosevelt to President Wilson. It is thought to be the copy given to Lieutenant Commander Byron McCandless, Aide to the Secretary of the Navy, while a new design for the Presidential flag was being discussed with Wilson at the White House—probably on May 4, 1916, when Wilson's appointment calendar shows that Roosevelt came to the White House for that purpose. Wilson showed McCandless the Martiny bronze plaque (see illustration 81) in the floor of the White House lobby, and the penciled figures *10* and *3*, which show to the right of this illustration, are presumably notes taken by McCandless referring to the arrangement of the thirteen stars on the Martiny plaque. The penciled rectangle at the left was undoubtedly drawn at the same time to indicate that the revised Presidential flag was to have a star at each of its four corners, with the central device of the Presidential seal as the central device of the flag. In the

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source copy of this print, the background and the arrows are buff. The eagle is shown in natural colors, with its head, nails, and tail feathers white, its beak, legs, and talons yellow or orange. The olive branch and olives are in shades of green. The anonymous artist who prepared this design had an important and lasting influence on the design of the President's seal: the general shape of the eagle (with a suggestion of a crest at the back of its head and with nine tail feathers), the shape of the shield, and the arrangement of the thirteen stars, the cloud puffs, and the rays of the glory have all been carried over into the current design of the seal (see illustration 83), although there have been changes in the direction in which the eagle faces, in matters of coloring, and in the addition of an annulet of fifty stars surrounding the whole device. (See Chapter XVI.) *Courtesy of the Library of Congress.*

83. The Seal of the President as Prescribed in 1960 and Currently in Use 453

This design for the President's seal was prescribed by Executive Order No. 10860, issued by President Dwight D. Eisenhower on February 5, 1960, following the admission of Hawaii as the fiftieth State of the Union. The central part of the design remained the same as that prescribed by President Harry S. Truman in 1945, but the number of stars encircling the seal was increased to fifty. (See Chapter XVI.) *Courtesy of the Institute of Heraldry, United States Army.*

84. Impression (1850) From the Seal of the Vice President. 459

The original of this impression, on red sealing wax, is on an envelope that enclosed a communication of January 26, 1850, from Vice President Millard Fillmore to Senator Thomas J. Rusk, Chairman of the Senate Committee on Post Offices and Post Roads. The envelope and its contents, which related to the nomination of Isaac Harrington as postmaster at Buffalo, are preserved in Record Group 46, National Archives, Washington. This photograph was prepared especially for this volume. (See Chapter XVII.) *Courtesy of the National Archives.*

85. The Seal of the Vice President as Prescribed in 1948.. 469

This design for the Vice President's seal was prescribed by Executive Order No. 10016, issued by President Harry S.

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Truman on November 10, 1948. It is reprinted from the *Federal Register* for November 16, 1948, page 6702. (See Chapter XVII.) *Courtesy of the Department of State Library.*

86. The Seal of the Vice President as Prescribed in 1975.. 469

This revised design for the Vice President's seal was prescribed by Executive Order No. 11884, issued by President Gerald R. Ford on October 7, 1975. This photograph was prepared from a color print of the seal device and therefore does not show the conventional lines and dots used to indicate colors in black-and-white prints of heraldic devices. (See Chapter XVII.) *Courtesy of the Office of the Vice President.*

87. First Seal of the Supreme Court, 1790..... 469

This impression from the first die cut for use by the Supreme Court is on a document in the case of *Grayson* v. *Virginia*, August term, 1796, preserved in Record Group 267, National Archives, Washington. (See Chapter XVIII.) *Courtesy of the National Archives.*

88. First Seal of the Department of State, 1790..... 469

This impression from the first die cut for use by the Department of State is on a commission dated March 24, 1817, appointing Jeremy Robinson as Agent for Commerce and Seamen at Lima, Peru. This commission is preserved in Miscellaneous Letters, November 1817, folio 58, Record Group 59, entry 102, National Archives, Washington. (See Chapter XVIII.) *Courtesy of the National Archives.*

89. Seal of the Department of State: Impressions on Paper From the Die of 1834 and on Wax From a Die Used in Treaty Work..... 479

The impression from the seal die of 1834 shown here is on a certificate dated August 21, 1837, in folder 227, Miscellaneous Claims, among the Records of Boundary and Claims Commissions and Arbitrations, Record Group 76, National Archives, Washington. The original seal is $1\frac{7}{16}$ inches in diameter. The impression to the right was made on red sealing wax from a hand die showing the twentieth-century version of the Department's seal. It is on the United States original of the agreement with the Soviet Union on basic principles of negotiation on the further limitation of strategic offensive arms signed at Washington June 21, 1973,

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Treaties and Other International Acts Series No. 7653, Record Group 11, National Archives. (See Chapter XVIII.) *Courtesy of the National Archives.*

90. Seal of the Department of State: Dies of 1880 and 1934. 485

The seal of 1880 was cut by the engraver William F. Lutz, of Washington; that of 1934, by the Bureau of Engraving and Printing, Department of the Treasury. Both dies are now preserved—together with a counter-die, not shown, for the die of 1934—in the Authentication Branch, Documents and Reference Division, Foreign Affairs Documents and Reference Center, Department of State, Washington. (See Chapter XVIII.) *Courtesy of the Authentication Branch.*

91. The Stauffer Drawing (*circa* 1885) of Thomas Mifflin's Seal. 565

This pen-and-ink drawing of the seal used by Thomas Mifflin during his service as President of the Continental Congress, 1783–1784, was made by the prominent art historian David McNeely Stauffer. The approximate date of the drawing is taken from the New York Public Library's *Calendar of the Emmet Collection of Manuscripts, etc., Relating to American History*, where the drawing is listed on page 85. It is not known whether Stauffer worked from an actual impression of Mifflin's seal or from an earlier drawing, such as that published by Benson J. Lossing (cf. illustration 75). The Stauffer drawing is preserved in the Emmet Collection (Emmet No. 1316), Manuscripts and Archives Division, New York Public Library Astor, Lenox, and Tilden Foundations. (See Chapter XX.) *Courtesy of the New York Public Library.*

92. Impression (1783) From Thomas Mifflin's Seal. 565

The impression shown here, in sealing wax, is (or was) on an envelope in which Thomas Mifflin, then President of the Continental Congress, sent to the Governor of Rhode Island a letter of November 23, 1783, relating to the definitive treaty of peace with Great Britain. That letter is preserved in the State archives of Rhode Island, but the envelope is not with it, and the present whereabouts of the envelope are unknown. At some time before May 29, 1945, Commodore Byron McCandless had the envelope photographed, and his photographs of the whole envelope, with this detailed photograph of the seal, were enclosed with a letter of

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that date from McCandless to Captain James K. Vardaman, Naval Aide to President Harry S. Truman. McCandless' letter is preserved in the George M. Elsey Papers in the Harry S. Truman Library, Independence, but its many enclosures, including this detailed photograph (which was enclosure *S*), are in an oversize file among the Harry H. Vaughan Papers in the Truman Library. (See Chapter XX.) *Courtesy of the Harry S. Truman Library.*

Chapter I

WHAT IS THE GREAT SEAL OF THE UNITED STATES?

The word "seal" is from the Latin *sigillum* through Old French *seel*, a small figure or image, a seal. It represents the diminutive of *signum*, a mark, sign, figure, or image.

The basic definition of the word "seal" consists of three parts: (1) any block or piece of hard material, such as stone, brass, or steel, incised with a device, figure, symbol, or the like, in such manner that it can, with the application of pressure, impart an impression in relief on a plastic substance, such as wax, moistened clay, or paper; (2) an impression so made; and (3) the substance bearing the impression.

In other words, a seal is any one, or all, of three things: (1) the engraved die used to make the impression; (2) the impression made from it; and (3) the wax, clay, paper, or other material on which the impression has been made.

For a seal in the first of these senses, this book will generally use the word "die". The word "seal" is reserved for use in the second sense, that of the impression made from the die. This is the traditional common-law meaning. Because senses 2 and 3, although intellectually distinct, are physically inseparable, no attempt will be made to distinguish between them.

One further enlargement of the definition must be made, to accommodate usage that dates from the earliest days of the Department of State. There, both historically and currently, the term "seal of the United States" or "Great Seal" may bring to mind not an impression or the seal die, but the complete apparatus, consisting of die, press, and cover or cabinet. The expression "keeper of the Great Seal", for example, implies custody of both die and press. Accordingly, there will be times in this book when these terms will be used to mean the whole formidable contrivance. The same holds true for the term "seal of the Department of State".

Sometimes it helps to define what something is by telling what it does or is intended to do. A seal serves to identify, in the same manner as a signature, an individual, organization, or other entity, and to authenticate written matter emanating therefrom. The matter engraved on the die and forming the device of the seal may be an emblem, symbol, heraldic bearing, letter or letters, word or words, or any other identifying mark or design. Historically a seal established the authenticity of a document, just as a modern signature does. Currently, when the two appear together on a document, the seal authenticates or verifies the signature.

The use of seals can be traced back to remote periods of history—4000 B.C. or earlier. They are mentioned in the Bible. The oldest known examples—both dies and impressions—are found among the antiquities of India, Egypt, Babylonia, and Assyria, with later ones in the Western tradition among the relics of ancient Phoenicia, Crete, Greece, and Rome. Down through many centuries, when most men were illiterate, seals served in lieu of signatures. This became the case under English law. Either impressed directly on the document or annexed by ribbons, cords, strips of parchment, or the like, the seal operated to prevent a person who had sealed an instrument from afterward denying the recitals. Seals were accordingly much used for formal contracts.

Seals continue in use extensively today to identify individuals, organizations, institutions, political subdivisions and their officers, and governments and nations, and to validate certain written materials that they issue. By the common law a peculiar efficacy attaches to a sealed document.

A great seal is the principal seal of a nation, state, or other major political entity, used for authenticating documents of high importance or high ceremony issued in the name of the sovereign or chief executive authority. Today, with few if any exceptions, great seals are of the wafer or *en placard* type, attached to the face of the document rather than suspended from it. As recently as the nineteenth century, however, many nations used pendant or hanging seals for at least some purposes of exalted ceremony, such as on instruments of ratification of treaties intended for exchange with foreign governments. Use by the United States of

the Great Seal in pendant form receives attention in subsequent chapters. Pendant great seals of other countries, some of them in very elaborate and beautiful cases, are preserved in considerable numbers in the National Archives and are exhibited there from time to time.[1]

Great seals have their origins in the seventh, eighth, and ninth centuries in the seals of European royalty. Although not so called, they were the precursors of the great seals of the later sovereigns of Western Europe.

The earliest known example of the use of a seal by an English monarch is in a charter whereby Offa, King of Mercia, confirmed a grant of land in 790. The first English royal seal ranking as a great seal is that of Edward the Confessor (1042–1066). This pendant seal with an impression on each of its two faces was the prototype of all later British royal and imperial wax seals.

The term "great seal" implies the existence of a lesser seal. The expression seems to have originated in England during the reign of King John (1199–1216). Shortly before or during this period the King's Chamber acquired a seal of its own for use in the sovereign's private business. This "privy seal" was of small size. Because of the contrast between the two, the larger seal used on documents of state soon became known as the "great seal". The term has continued in use ever since.

When England, Scotland, and Ireland were separate kingdoms, each had its own great seal. After their union in 1707, England and Scotland had one great seal, and since 1801 there has been one great seal for the United Kingdom, of which the Lord Chancellor has custody. In England the great seal serves the purpose of authenticating the sovereign's signature. A new seal is cut on the accession of each new sovereign, and sometimes more frequently.

The United States has, generally speaking, followed the British pattern and tradition in its adoption and use of a great seal. In the United States the Great Seal serves the purpose, parallel with that of the British great seal, of authenticating the President's signature on certain state documents. However, the nation has no lesser seal comparable to the British privy seal.

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[1] See, e.g., U.S. National Archives, *The 'Art' of Diplomacy*, pp. 6–7, 10, 12, 14, 20, 22, 24–25, 50; Purdy, "The Arts of Diplomacy".

Throughout its history the American seal has been known by two names, both equally correct: "the seal of the United States" and "the Great Seal" (or "the Great Seal of the United States"). Both designations are to be found in acts of Congress [2] and in a decision of the United States Supreme Court,[3] and both have long been in general use. The two names were employed indiscriminately during the Continental Congress period, although the Secretary of Congress, Charles Thomson,[4] seems to have preferred "the Great Seal". The resolution of Congress of June 20, 1782, creating the seal, refers to it by that name; and during the years immediately following the establishment of the Department of State that designation served to distinguish it from the seal of the Department, which was then termed "the seal of office" or "the privy seal". The act of Congress approved September 15, 1789, however, which declared the seal of 1782 to be "the seal of the United States", refers to it in those words;[5] in the original documents to which the seal is affixed there is long-standing precedent for the same wording; and various publications of the Department of State on the subject of the seal that have been issued since 1892 have borne the title *The Seal of the United States*.

During the course of its history the Great Seal of the United States has been affixed in four different forms or styles. At first it was impressed on a "seal paper"—what is now called a "wafer"—over an adhesive wafer, without the use of a counter-die. Later, for a time and for certain special purposes only, it was impressed on a cake of wax as a pendant seal. Occasionally, since the acquisition of a counter-die, it has been impressed directly on the page of the document, without the use of a paper wafer, as authorized by the act of Congress approved May 31, 1854.[6] Likewise since

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[2] E.g., the act "to promote the progress of the useful Arts" approved Apr. 10, 1790, which uses both "the seal of the United States" and "great seal" (1 Stat. 110, 112); and the act approved July 1, 1902, appropriating $1,250 for a new seal die and press (32 Stat. 552), and the act approved July 1, 1903, reappropriating that sum (32 Stat. 1032), both of which use "the Great Seal of the United States".

[3] *Marbury* v. *Madison* uses both "the seal of the United States" and "the great seal". 1 Cranch 137, 155, 158, 160, 168.

[4] See Chapter V for a biographical sketch of Thomson.

[5] 1 Stat. 68.

[6] 10 Stat. 297. 1 U.S. Code 114.

the acquisition of a counter-die, it has been impressed on a paper wafer glued to the page of the document. Since 1871 only the last two styles have been employed, and today the impression over the glued paper wafer is used almost exclusively.

The device or design of the Great Seal is the coat of arms of the United States. Used apart from the seal for numerous official purposes, as set forth in Chapter XX, the coat of arms is the symbol and badge of the United States Government.

In its creation, in its peregrinations, and in its use the Great Seal is associated with great men and great events in American history. The purpose of this book is to tell as fully and as accurately as possible the story of this symbol of the sovereignty and independence of the United States—a tale that now spans two centuries.[7]

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[7] The sources for this chapter include the following: *Webster's Dictionary*, 2d ed., p. 2255. *Oxford Dictionary*, IX, 323–324. *Encyclopædia Britannica*, 11th ed., VIII, 303; XXIV, 539, 540. *Webster's Third Dictionary*, p. 2046. Stewart, *Treaty Relations*, pp. 206, 207. *Encyclopædia Britannica* (1969), I, 192; V, 245; VI, 739; VIII, 54–55; XII, 96; XIII, 25; XX, 125, 126. *Chambers's Encyclopædia*, XII, 379–380. *Encyclopedia Americana*, XXII, 615–616. Wyon, *Great Seals of England*.

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Chapter II

THE FIRST COMMITTEE, 1776

In July 1776 the Continental Congress was meeting in Philadelphia, and during the first four days of that month it took momentous decisions. On July 2 it

> *Resolved*, That these United Colonies are, and, of right, ought to be, Free and Independent States; that they are absolved from all allegiance to the British crown, and that all political connexion between them, and the state of Great Britain, is, and ought to be, totally dissolved.[1]

On July 4 it adopted the declaration from which the independence of the United States has ever since been dated.[2] Also on July 4, just before completing its business for the day, the Continental Congress approved the following resolution:

> *Resolved*, That Dr. Franklin, Mr. J. Adams and Mr. Jefferson, be a committee, to bring in a device for a seal for the United States of America.[3]

The history of the Great Seal of the United States thus dates from the very first day of the country's independence.

This committee was as distinguished a group of men as ever served the United States Government. Although varying in age, in origins and background, and in life experience, they had much in common, including education and intellect, breadth of vision, and dedication to the cause of liberty. Already they had worked together effectively as members of the committee of five charged with drafting the Declaration of Independence. One of them was a great man, and the other two—later to be the second and third Presidents of the United States—were destined for greatness.

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[1] *Journals*, V, 506-507.

[2] *Ibid.*, pp. 510-515. For a discussion of the question whether the Declaration of Independence was actually signed on July 4, see Jefferson, *Papers* (Boyd, ed.), I, 299-308.

[3] *Journals*, V, 517-518.

The Members of the Committee

Senior member of the committee was Benjamin Franklin, native of Boston, of humble origin, son of an immigrant soap and candle maker. Almost as old as his two fellow committee members together, at seventy he had already lived a full life. Of independent means, a leading citizen of Philadelphia, more truly a citizen of the world than any other American then living, he was one of the best known and most admired men of his time. Renowned as a printer, author, editor, publisher, businessman, inventor, scientist, economist, philosopher, wit, moralist, politician, public servant, diplomat, and statesman, he was yet to win more laurels in diplomacy and statecraft. His zest for living and his insatiable curiosity had led him over the years to acquire vast and varied knowledge that he could draw on at will; he had lived in both London and Paris and knew Europe as well as he did America; and he was a practical man who could turn his mind and hand to almost any task. A Member of the Continental Congress in 1775 and 1776, he served on many committees. In the former year, for example, he was a member of a committee on the Continental currency—an assignment which will be discussed later.[4]

Despite his long residence abroad, Franklin seems to have had no particular interest in or knowledge of heraldry—a knowledge that might have helped in fulfilling this committee assignment. Practical man that he was, when he needed a seal to authenticate his signature on passports he was issuing in France, he printed on his own press at Passy the form of a passport, in the lower left-hand corner of which he placed a coat of arms, "derived no one knows from what source". But this was later than 1776, though certainly before 1782.[5] When faced with the problem of proposing a national symbol, Franklin's mind turned to simple illustrative or allegorical material rather than to the formal hereditary badges and devices of European royalty and nobility.

The second member of the committee was John Adams, aged forty, born in what is now Quincy, Massachusetts, son of a

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[4] See Chapter VI, p. 98.

[5] Adams, "Seals and Book-Plates", p. 136, citing Adams, *Passports Printed by Benjamin Franklin*. See also Adams, "A Passy Passport".

farmer whose grandfather had emigrated from England about 1636. The family was middle class and undistinguished beyond the region where it lived. Graduating from Harvard in 1755, Adams entered the profession of law. His practice, in which he displayed high moral courage, led him into public life in the patriot cause. Active as a leader of the Massachusetts Whigs during the Stamp Act controversy of 1765, he became known as a writer and speaker. Elected to the Continental Congress, he served from 1774 until 1778. Vigorously advocating union of the Colonies and independence, he backed Washington for the post of commander in chief of the army. He encouraged the sentiment for a permanent break with England that swept the Colonies in early 1776. He spoke forcefully again and again on behalf of independence as that cause was debated in Congress in June–July 1776. And he was dynamically active in that body on various important committees and as a member of the Board of War. Although at this time he had not yet traveled outside the Colonies, he was well educated and widely read, and his mind was a storehouse of learning.

As with Franklin, there was little in Adams' background, education, or experience to qualify him specially for the task of choosing or creating a design for the national seal. His father's family seems not to have had a coat of arms. In later years he used the coat of arms of his mother's family, the Boylstons, in association with his signature on certain documents, among them the preliminary articles and the definitive treaty of peace with Great Britain signed at Paris on November 30, 1782, and September 3, 1783, respectively.[6] Thus he was aware of heraldry and armorial bearings. But he made no use of such knowledge in connection with his own proposal. His thoughts, like Franklin's, turned instead to allegory.

The third member of the committee was Thomas Jefferson, a young man of thirty-three. Born at "Shadwell", Albemarle County, Virginia, he was the son of a planter whose land lay close to the then frontier. His father's family was neither patrician nor wealthy, but his mother was a daughter of the Randolphs, one of the most prominent and aristocratic of colonial families.

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[6] Adams, "Seals and Book-Plates", pp. 135–147. *Adams Family Correspondence*, II, ix–x, 96–98, and illustration following p. 102; III, 234, 333; IV, xv–xvi, 202.

Jefferson was thus early exposed to both the democratic influences of the west of that day and the aristocratic influences of his Tidewater relatives. Graduating from William and Mary in 1762, he was admitted to the bar and practiced successfully for seven years, but, having little taste for the law, he turned to politics and political philosophy. Starting as a justice of the peace, he went on in 1769 to a seat in the Virginia House of Burgesses. He served there and in later revolutionary bodies in Virginia until 1775, when he became one of Virginia's Delegates to the Continental Congress. Although prominent in these various bodies, he was a poor speaker, disliking public debate, and seldom attempting to address an audience. His promptness, frankness, and decisiveness on committees and in his relations with others, however, coupled with his driving energy and readiness to take responsibility, won the confidence and respect of the other Members. The talent he displayed as a literary draftsman contributed to his influence. Thanks to his skill, the committee of five of which he was a member chose him to draft the Declaration of Independence.

From his Virginia background Jefferson knew something of heraldry and the use of hereditary coats of arms by the leading families of the region, but his democratic leanings tempered his view of their importance. His attitude is reflected in the following paragraph from a letter he wrote from Monticello on February 20, 1771, to a friend who was then leaving for Europe:

> One farther favor and I am done, to search the Herald's office for the arms of my family. I have what I have been told were the family arms, but on what authority I know not. It is possible there may be none. If so I would with your assistance become a purchaser, having Sterne's word for it that a coat of arms may be purchased as cheap as any other coat.[7]

Further evidence of Jefferson's interest in—or at least awareness of—heraldry appears in a letter he wrote from Paris on May 24, 1786, to a correspondent in northern Italy:

> . . . There is in the state of Virginia a family of the name of Taliaferro, which has always supposed itself of Italian extraction. The original name is probably Tagliaferro. They are informed that there is a district of country not more than four or five leagues from Florence which bears

[7] Jefferson, *Papers* (Boyd, ed.), I, 61–62. The reference is presumably to Laurence Sterne.

that name. They therefore conjecture that their family came from Tuscany and that their coat of arms (leurs armes) may be found in that country, especially if there be there a Herald's office where such things are registered. At their desire I take the liberty of praying you to have enquiry made for their arms, and if they can be found to send me a copy of them duly certified by the proper officer. . . . [8]

Pierre Eugène Du Simitière, Consultant

Although the committee to bring in a Great Seal device boasted three of the ablest minds in the thirteen United States, they were peculiarly unqualified to suggest or compose a suitable design. Wisely, therefore, they sought help. In Philadelphia at the time was a remarkable man, Pierre Eugène Du Simitière. This man, who had many skills and interests, was a talented "drawer" and portrait artist, he knew something of heraldry, and he had experience in designing seals.

Born in Geneva, Switzerland, September 18, 1737, son of Jean-Henri Ducimetière, a broker in the East Indies trade, and Judith-Ulrique-Cunégonde Delorme, Du Simitière was not quite thirty-nine years old at this time.[9] At the age of twenty he had gone from Amsterdam to the West Indies. There, chiefly in Jamaica and Santo Domingo, he had gathered natural history specimens, drawn charts and tables, and accumulated notes on West Indian life. He had earned a subsistence by cutting silhouettes and doing portraits, acquiring incidentally some fluency in English. He had arrived in New York City in 1763 and had spent the next nine years as an itinerant collector and researcher, visiting Burlington, New Jersey, Philadelphia, Boston, Newport, Rhode Island, and Charleston, South Carolina. He became a naturalized citizen in New York in 1769. In 1772 he was again in the West Indies, but in 1774 he was back in Philadelphia, where he made his home for the rest of his life.

A bachelor, Du Simitière lived in Philadelphia in rented quarters that included a workshop or studio and a storeroom for

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[8] Jefferson, *Papers* (Boyd, ed.), IX, 571–572.

[9] Donaghy, *Pierre Eugene Du Simitiere*, pp. 1–2. This source cites Dominjoud, "Pierre Eugène Du Simitière", p. 21*n*., as cited in Sifton, *Pierre Eugene Du Simitiere*. Dominjoud translated Martin Levy's "Pierre Eugène Du Simitière", but the footnote cited—giving details as to Du Simitière's birth—was hers.

his collections. His passion for collecting was insatiable and almost boundless. His early interest in natural history had expanded to embrace geography, geology, mineralogy, archeology, numismatics, and every aspect of American history, including aboriginal, general, local, political, social, and cultural history. He collected books in English and other languages and was a bibliographer of skill and breadth. He accumulated pamphlets, newspapers, handbills, and every other kind of political publication. He strove to record the history of the Colonies, including their differences with England and their eventual struggle for independence. Perhaps oddly for a collector, he was generous in lending books and other materials from his collections. In 1781 the College of New Jersey (now Princeton) granted him an honorary degree of Master of Arts.

All the while he continued to practice his profession of artist and painter, from which he earned a precarious living. He drew designs for a variety of State, local, and institutional seals. He drew maps, frontispieces, and technical illustrations for publications. He did pencil, chalk, and water-color portraits for a fee—though he seems not to have worked in oil. He seized every opportunity to sketch from life the notables, both American and British, who came to Philadelphia; and more often than not his sketches went into his own collection. His great personal vision embraced the founding of an American museum and the compiling of a history of the Colonies. In his efforts to achieve his objectives, he fought a constant battle with poverty and with the lack of interest of persons who might have helped him gather materials. In a measure he realized his vision briefly in his "American Museum", located in a house in Arch Street above 4th, which he advertised as early as September 1782. But the history was never written, he died destitute, and his collections were sold to pay his debts. He is now recognized as the founder of the first history museum in the United States (although an earlier natural history museum was established in Charleston in 1773).[10]

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[10] Potts, "Du Simitiere", pp. 341–375. *Pennsylvania Archives*, 2d series, III, 121–122. *Appleton's Cyclopædia*, V, 531–532. *Dict. Amer. Biog.*, V, 553–554. Prime, *Arts and Crafts, 1721–1785*, pp. 18–19. Huth, "Pierre Eugène Du Simitière", pp. 315–325. *Encyclopædia Britannica* (1969), XV, 1046, 1048. Oaks, "Big Wheels in Philadelphia", pp. 351–362. Donaghy, *Pierre Eugene Du Simitiere, passim*, especially pp. 1–2, 8, 14–15, 53.

A broad and thorough search has failed to disclose the existence of an authentic likeness of Du Simitière. The only known purported picture of him is entirely unauthenticated.[11]

It would seem that Du Simitière was no stranger to any of the three members of the Great Seal committee. Franklin, who had founded the American Philosophical Society some thirty years before, would have been acquainted with him as a fellow member; and about this time Du Simitière became one of the society's curators. Adams, if he had not met Du Simitière at some earlier time, knew him from service on a committee of Congress, appointed March 25, 1776, to prepare a device for a gold medal honoring Washington and his officers and soldiers for driving the British out of Boston.[12] As appears from Adams' letter of August 14, quoted below, Du Simitière sketched designs for this medal. Jefferson likewise knew Du Simitière and had occasion to consult him. While serving on the Great Seal committee, Jefferson tried to help some of his fellow Virginians obtain a satisfactory design and die for the Great Seal of Virginia. A letter which he wrote from Philadelphia on July 30, 1776, tells of seal designing and seal cutting at Philadelphia at that time. The letter refers favorably to "a drawer and an engraver here"—unnamed but now identified respectively as Du Simitière and James Poupard—who had recently done a seal for the American Philosophical Society.[13] The opening lines of that letter follow:

> On receipt of your letter we enquired into the probability of getting your seal done here. We find a drawer and an engraver here both of whom

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[11] Cigrand, *Story of the Great Seal*, p. 72.

[12] Adams had proposed this medal in Congress on Mar. 25, 1776, and had then been named with John Jay and Stephen Hopkins to a committee to prepare a suitable device for it (*Journals*, IV, 234). On Nov. 29, 1776, Congress voted to pay Du Simitière $32 for the designs he prepared for this medal, although they were not used (*ibid.*, VI, 991). Regarding Du Simitière's role in connection with this medal, including reproductions of his sketches, see Adams, *Diary and Autobiography* (Butterfield, ed.), III, xii, 375–376, and the illustrations facing p. 257. Regarding the medal finally struck, which Jefferson handed to Washington in 1790, see Jefferson, *Papers* (Boyd, ed.), XVI, xxxvi, 69–70, and the illustration numbered I following p. 52.

[13] Letter to the author, May 13, 1974, from Dr. Whitfield J. Bell, Jr., Librarian, American Philosophical Society, Philadelphia, and enclosed "Notes on the Seal of the Society", by Dr. Bell *et al.* Regarding engraver Poupard, see Dunlap, *History of the Arts of Design*, II, 470; Stauffer, *American Engravers*, I, 214–215; Brix, *Philadelphia Silversmiths*, p. 83; Fielding, *Dictionary of American Painters*, p. 288; Groce and Wallace, *Artists in America*, p. 513.

> we have reason to believe are excellent in their way. They did great seals for Jamaica and Barbadoes both of which are said to have been well done, and a seal for the Philosophical society here which we are told is excellent. But they are expensive, and will require two months to complete it. The drawing the figures for the engraver will cost about 50 dollars, and the engraving will be still more. Nevertheless as it would be long before we could consult you and receive an answer, as we think you have no such hands, and the expence is never to be incurred a second time we shall order it to be done. . . .[14]

Adams was at first optimistic about the committee's progress. Five days after its appointment he expressed his expectation that the Great Seal would soon be ready for use and would then be affixed to the Declaration of Independence. He wrote from Philadelphia on July 9 as follows:

> As soon as an American seal is prepared, I conjecture the Declaration will be subscribed by all the members, which will give you the opportunity you wish for, of transmitting your name among the votaries of independence. . . .[15]

Proposals by the Committee Members

The four men consulted among themselves between July 4 and August 13, and each one brought before the committee a proposal for a device. Franklin's has been preserved in the form of a note in his own handwriting. The following text reproduces the original as literally and exactly as is practicable in print,

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[14] Jefferson, *Papers* (Boyd, ed.), I, 482. See also the note, pp. 483–484; Page to Jefferson, July 20, 1776, p. 468; "DuSimitière's Design for a Coat of Arms for Virginia", pp. 510–511; the pencil sketch reproduced facing p. 551; and Wythe to Jefferson, Nov. 18, 1776, p. 604.

During the winter of 1783–1784, while Jefferson was a Delegate to Congress, which was meeting in Annapolis, he had his heart set on having his young daughter Martha, then in Philadelphia, learn to draw. He thought well enough of Du Simitière to engage him to tutor Martha in drawing. But the girl showed no talent, and Du Simitière, with little patience, soon terminated the arrangement. See *ibid.*, VI, 381, 417, 444–445, 465–466, 542–543; VII, 44, 62.

A letter from Francis Hopkinson dated at Philadelphia Nov. 18, 1784, to Jefferson, then in France, included this paragraph (*ibid.*, VII, 534–535):

> Mr. Du Simitiere is dead and the [American Philosophical] Society have it in Contemplation to purchase the principal Part of his Collection of Papers, natural Curiosities &c. They are to be sold by his Administrator at public Auction, but will not be sufficient to pay his Debts.

[15] Burnett, ed., *Letters*, II, 8.

with canceled type showing deletions and bracketed reference letters and special notes showing insertions:

> Moses ~~in the Dress of a High Priest~~[a] standing on the Shore, and extending his Hand over the Sea, thereby causing the same to overwhelm Pharoah [16] who is sitting in an open Chariot, a Crown on his Head & a[b] Sword in his Hand. Rays from a Pillar of Fire in the Clouds[c] reaching to Moses, ~~expressing~~ to express that he acts by ~~the~~ Command of the Deity
>
> Motto, *Rebellion to Tyrants is Obedience to God.*[17]
>
> [a] The words "in the Dress of a High Priest" are inserted with a caret and deleted.
> [b] The article "a" is inserted with a caret.
> [c] The words "in the Clouds" are inserted with a caret.

For a later artist's realization of Franklin's proposal—which, as shown below, was redrafted by Jefferson and used for the reverse of the Great Seal as proposed by the first seal committee—see illustration 4.

Julian P. Boyd,[18] in a scholarly note entitled " 'Bradshaw's Epitaph': The Source of 'Rebellion to tyrants is obedience to God' ", adduces persuasive evidence that the often quoted epitaph of John Bradshaw (1602–1659),[19] president of the commission that sentenced Charles I, was not in fact an epitaph but a creation of, and characteristic hoax by, Benjamin Franklin. The supposed epitaph ends with the words "Rebellion to tyrants is obedience to God". Boyd's note concludes: "Clearly Franklin did not admit his authorship, but just as clearly TJ[efferson] considered the 'Epitaph' to be Franklin's creation." Jefferson was so much impressed with the phrase that he wrote it into this committee's proposal for the reverse of the Great Seal, he suggested it as an alternative motto for the Great Seal of Virginia (on a design for which Du Simitière was then working), and he later added it to his personal seal.[20]

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[16] The variant spellings "Pharaoh" and "Pharoah" both occur in the documentation relating to the first seal committee; they are reproduced here as they occur in the manuscript sources.

[17] Franklin note, undated (Aug. 1776), Thomas Jefferson Papers, Ms. Div., L.C.

[18] For biographical sketches, see *Who's Who in America*, 38th ed., I, 339; *Direc. Amer. Scholars*, 5th ed., I, 52.

[19] For a biographical sketch, see *Dict. Natl. Biog.*, II, 1084–1089.

[20] Jefferson, *Papers* (Boyd, ed.), I, 677–679. For a note on, and a picture of an impression of, Jefferson's seal bearing this motto, see *ibid.*, XVI, xxxii, facing p. 52.

Adams proposed the allegorical picture known as "The Choice of Hercules" or "The Judgment of Hercules" as engraved by Simon Gribelin.[21] This picture, with which he was familiar as an illustration in a book in his library, had impressed him deeply. He admitted at once, however, "this is too complicated a Group for a Seal or Medal, and it is not original". The following comment is an excerpt from a note by the editors of the *Adams Family Correspondence:*

> . . . This engraving by Simon Gribelin of the "Choice" or "Judgment of Hercules" appears on an internal titlepage in the third volume of the John Baskerville edition of Anthony Ashley Cooper, 3d Earl of Shaftesbury's[22] *Characteristicks of Men, Manners, Opinions, Times*, 5th edition, Birmingham, 1773, a work owned by John Adams and still among his books in the Boston Public Library (*Catalogue of the John Adams Library in the Public Library of the City of Boston*, Boston, 1917, p. 62). Shaftesbury published a short treatise on esthetics wholly based on the Judgment of Hercules theme in the first edition of the *Characteristicks* in 1714; for a titlepage decoration he commissioned Paulo de Matthaeis[23] in 1712 to paint the "Judgment" and had it engraved by Gribelin the following year. The original fable is attributed by Xenophon in his *Memoirs of Socrates*, book II, chapter 1, to one Prodicus, a sophist and rhetorician of Ceos, who was admired by Xenophon and quoted by Socrates. Prodicus narrates a debate, or rather a succession of appeals to the young Hercules, by female impersonations of Virtue and Vice or Sensuality (or, to use Shaftesbury's terms, Virtue and Pleasure). Vice speaks first and points out the flowery path of self-indulgence; Virtue follows and adjures Hercules to ascend the rugged, uphill way of duty to others and honor to himself. The burden of Shaftesbury's treatise is that a successful treatment of such a theme, for either moral or esthetic purposes, must be natural, simple, and intelligible, and the artist must accordingly avoid the emblematic,[24] cluttered, and exotic in both representation and style.
>
> Gribelin's engraving, executed according to these principles, had a profound effect on Adams' attitude toward the fine arts, which to him typified luxury and therefore the threat of moral and social decadence. . . .[25]

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[21] For a biographical sketch, see *Bryan's Dict. of Painters*, II, 279.

[22] For a biographical sketch, see *Dict. Natl. Biog.*, IV, 1055–1058.

[23] For biographical sketches of Paolo de Matteis, see *Bryan's Dict. of Painters*, III, 304; Champlin, ed., *Cyclopedia of Painters*, III, 221–222; *Enciclopedia della pittura italiana*, II, 1618–1619.

[24] For a comparison of the Gribelin engraving with an emblematic treatment of the same theme by George Wither, see Freeman, *English Emblem Books*, pp. 11–14 and the illustration facing p. 9.

[25] *Adams Family Correspondence*, II, ix–x.

The only known record of Adams' proposal is that in his letter of August 14, 1776, quoted below. A photograph of part of the page of the Shaftesbury volume bearing the engraving is reproduced in this book as illustration 1.

Jefferson's first proposal was the only one before this committee that contemplated a pendant seal with designs on the two sides. For the obverse he suggested the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night. For the reverse he mentioned Hengist and Horsa, the two brothers, legendary leaders of the first Anglo-Saxon settlers in Britain; but he seems to have given no indication of what artistic treatment he had in mind for these figures. As in the case of Adams' proposal, the only known record of this one is that in Adams' letter of August 14, 1776, quoted below.

Jefferson's second "proposal" is not really a new one, but rather a rewriting of Franklin's, using much of the same phrasing but with heightened dramatic effect. Evidently Jefferson liked not only Franklin's motto, but his description as well. What Jefferson wrote is preserved in the form of a note in his handwriting, which reads thus:

> Pharaoh sitting in an open chariot, a crown on his head & a sword in his hand passing thro' the divided waters of the Red sea in pursuit of the Israelites: rays from a pillar of fire in the cloud, expressive of the divine presence, ~~reachi~~ & command, reaching to Moses who stands on the shore &, extending his hand over the sea, causes it to overwhelm Pharaoh. Motto. Rebellion to tyrants is obed^{ce}: to god.[26]

For a later artist's realization of the designs suggested by Jefferson, see illustrations 2 and 4.

Du Simitière's Design

On Tuesday, August 13, 1776, Adams called at Du Simitière's quarters, where he lived and worked and maintained his library and collection of curiosities. There Adams examined the artist's proposals and sketches for both the Washington gold medal, mentioned above,[27] and the Great Seal device. Quite possibly

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[26] Jefferson note, undated (Aug. 1776), Thomas Jefferson Papers, Ms. Div., L.C.

[27] See footnote 12, *supra*.



1. First Committee, 1776: Adams' Proposal—Gribelin's Engraving of the Judgment of Hercules



2. First Committee, 1776: The Benedict Realizations (1903) of Jefferson's Proposals—The Children of Israel in the Wilderness for the Obverse (*left*) and Hengist and Horsa for the Reverse (*right*)

Franklin was present, and perhaps Jefferson as well, since Adams mentions their proposals. At any rate, Adams saw Franklin sometime that day and looked with him at a book picturing or describing uniforms of Roman soldiers. The next day, August 14, Adams wrote this account as part of a letter to his wife:

> I am put upon a Committee to prepare a Device for a Golden Medal to commemorate the Surrender of Boston to the American Arms, and upon another to prepare Devices for a Great Seal for the confederated States. There is a Gentleman here of French Extraction, whose Name is Du simitiere, a Painter by Profession whose Designs are very ingenious, and his Drawings well executed. He has been applied to for his Advice. I waited on him yesterday, and saw his Sketches. For the Medal he proposes Liberty with her Spear and Pileus, leaning on General Washington. The British Fleet in Boston Harbour, with all their Sterns towards the Town, the American Troops, marching in. For the Seal he proposes. The Arms of the several Nations from whence America has been peopled, as English, Scotch, Irish, Dutch, German &c. each in a Shield. On one side of them Liberty, with her Pileus, on the other a Rifler, in his Uniform, with his Rifled Gun in one Hand, and his Tomahauk, in the other. This Dress and these Troops with this Kind of Armour, being peculiar to America—unless the Dress was known to the Romans. Dr. F[ranklin] shewed me, yesterday, a Book, containing an Account of the Dresses of all the Roman Soldiers, one of which, appeared exactly like it.
>
> This Mr. Du simitiere is a very curious Man. He has begun a Collection of Materials for an History of this Revolution. He begins with the first Advices of the Tea Ships. He cutts out of the Newspapers, every Scrap of Intelligence, and every Piece of Speculation, and pastes it upon clean Paper, arranging them under the Head of the State to which they belong and intends to bind them up in Volumes. He has a List of every Speculation and Pamphlet concerning Independence, and another of those concerning Forms of Government.
>
> Dr. F. proposes a Device for a Seal. Moses lifting up his Wand, and dividing the Red Sea, and Pharaoh, in his Chariot overwhelmed with the Waters.—This Motto. Rebellion to Tyrants is Obedience to God.
>
> Mr. Jefferson proposed. The Children of Israel in the Wilderness, led by a Cloud by day, and a Pillar of Fire by night, and on the other Side Hengist and Horsa, the Saxon Chiefs, from whom We claim the Honour of being descended and whose Political Principles and Form of Government We have assumed.
>
> I proposed the Choice of Hercules, as engraved by Gribeline in some Editions of Lord Shaftsburys Works. The Hero resting on his Clubb. Virtue pointing to her rugged Mountain, on one Hand, and perswading him to ascend. Sloth, glancing at her flowery Paths of Pleasure, wantonly reclining on the Ground, displaying the Charms both of her Eloquence

and Person, to seduce him into Vice. But this is too complicated a Group for a Seal or Medal, and it is not original.[28]

Du Simitière's sketch of his proposal that Adams saw on August 13 has been preserved, together with his written description of it. They show that Adams' account of the proposal, although accurate as far as it goes, is incomplete. Writing the day after he saw the sketch, Adams may not have remembered all its complex details. Or, sidetracked midway through his account by recollection of his conversation with Franklin on the dress of Roman soldiers, he may have forgotten to finish it. In any case, Du Simitière's proposal, conceived as a coat of arms, written partly in heraldic terms, and more intricate than any of the others, was by far the most appropriate one before the committee. The description is wholly in Du Simitière's handwriting, and his small penciled sketch is with it on a separate slip.

As a coat of arms, Du Simitière's proposal comprises a shield, crest, supporters, and motto. Within the main shield is a smaller shield, and this inner shield is divided into six parts, arranged in two columns of three. Each of the six small divisions bears a device symbolizing a country of Europe from which settlers came to America: England, Scotland, Ireland, France, Germany, and the Netherlands. In the space or border between the outer and the second shield are thirteen smaller shields, symmetrically arranged and each bearing an initial letter or letters of one of the thirteen States. The thirteen small shields are linked together in a band by a golden chain. The crest is the eye of Providence in a radiant triangle, its glory extending over the shield and beyond the supporters. The supporters are the Goddess Liberty, who leans against the right side of the shield, and an American soldier in buckskin garb and fully accoutered, who holds the left side of the shield. The motto is *E Pluribus Unum*. There is no reverse.

In the description, the colors which Du Simitière had in mind are described in heraldic tinctures—*or* for gold, *gules* for red, *argent* for silver or white, *vert* for green, *azure* for blue, and *sable* for black.[29] The text of the description follows:

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[28] Adams and Adams, *Book of Abigail and John*, pp. 154–156.

[29] For a glossary of heraldic and other specialized terms used in this book, see *infra*, pp. 572 ff.

The Coat of Arms of the States of America

The Shield	has Six quarters parti one, coupé two; to the first it bears or, a rose ennamelled Gules & argent, for England; to the Second, argent a thistle proper, for Scotland; to the third vert, a harp or, for Ireland; to the fourth azure, a flower de luce or, for France; to the fifth or the Imperial Eagle Sable, for Germany; and to the Sixth or, the belgic Lyon Gules, for Holland. (These being the Six principal nations of Europe from whom the Americans have originated.) This Shield within a border gules entoire of thirteen Escutcheons argent linked together by a chain or, each charg'd with initial letters Sable, as follows. 1st NH. 2d MB. 3d RI. 4th C. 5th NY. 6th NJ. 7th P. 8th DC. 9th M. 10th V. 11th NC. 12th SC. 13th G.[30] for each of the thirteen Independent States of America.
Supporters.	dexter, the Goddess Liberty in a corslet of armour, (alluding to the present times) holding in her right hand the Spear and Cap, resting with her left on an anchor, emblem of Hope. Senester, an American Soldier, compleatly accoutred in his hunting Shirt and trowsers, with his tomahawk, powder horn, pouch &c. holding with his ~~right~~ left hand his rifle gun rested, and the Shield of the States with his right.
Crest.	the Eye of Providence in a radiant Triangle whose Glory extend over the Shield and beyond the Supporters.
Motto.	E PLURIBUS UNUM.
Legend	round the whole atchievement. *Seal of the ~~thirteen~~ united ~~and~~ ~~independent~~ States of America.* MDCCLXXVI.[31]

Du Simitière's sketch differs from his description in two details. First, the sketch does not show the linking together of the thirteen small shields in the border by a golden chain ("linked together by a chain or"), as specified in the description. Second, it shows the soldier holding up the shield with his right elbow rather than his right hand, as specified in the description; and there is a tomahawk in his right hand, just as Adams saw it and so mentioned in his letter of August 14. A photograph of Du Simitière's sketch is reproduced as illustration 3.

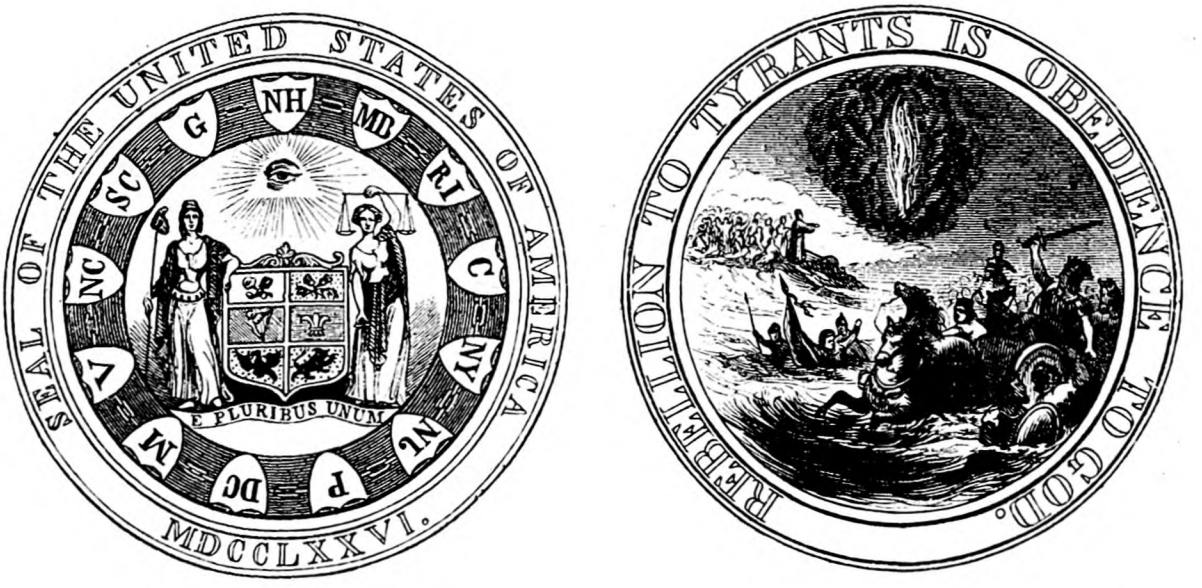
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[30] These abbreviations stand for New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware Colony, Maryland, Vermont, North Carolina, South Carolina, and Georgia.

[31] Du Simitière proposal, undated (Aug. 1776), Thomas Jefferson Papers, Ms. Div., L.C.



3. First Committee, 1776: Du Simitière's Drawing of His Proposal



4. First Committee, 1776: The Lossing Realizations (1856) of the Obverse (*left*) and Reverse (*right*) as Reported by the Committee

According to Adams' letter of August 14, Du Simitière had "been applied to for his Advice". He had responded with his description and sketch of a device. There is no reason to suppose that, after asking Du Simitière for his advice, any member of the committee would have tried to tell him what to advise—that is, what to put into his recommendation. In other words, the description and sketch can be regarded as wholly Du Simitière's creation; they represent his ideas alone, uninfluenced by those of members of the committee. Both his description and his sketch include four elements that carried over eventually into the Great Seal as finally adopted, two of them into the obverse and two into the reverse. They are (1) the form or outline of a shield; (2) the eye of Providence in a triangle with a glory; (3) the motto *E Pluribus Unum* on a scroll; and (4) the year date "MDCCLXXVI". According to the existing evidence, Du Simitière was the one first to propose these four elements. He set them down on paper, the description in his own handwriting and the sketch with its lettering by his own hand. Although certain writers have credited either Jefferson or Franklin with suggesting the motto,[32] they are in error, given the documentary evidence, which points to Du Simitière and no one else.

E Pluribus Unum

There can be no doubt that the immediate source of the motto *E Pluribus Unum* (Out of many, one) was the *Gentleman's Magazine*, published in London from 1731 to 1922, which had carried that legend on the title page of each volume from its first until long after 1776. The magazine was well known to literate Americans of the time, including certainly the three members of the committee and their consultant. As already noted, Du Simitière was a learned man, a lover of books, and a voracious

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[32] Totten, *Seal of History*, I, 42, attributes the motto to Jefferson, as does also Cigrand, *Story of the Great Seal*, p. 150. Hunt, *History of the Seal*, p. 13, says, "The motto . . . has been generally attributed to Jefferson." Deutsch, who traced the pedigree of the phrase thoroughly and with great learning in his articles, "E Pluribus Unum" and "Our National Motto", credits it to Franklin.

Concerning "the Goddess Liberty" and other female figures which were used in the late eighteenth century as symbols of America, see Fleming, "The American Image"; Fleming, "From Indian Princess to Greek Goddess".

reader. The *Gentleman's Magazine* and its motto would have been as familiar to him as to any member of the committee.[33]

The *Gentleman's Magazine* had appropriated the legend *E Pluribus Unum* from an earlier and long defunct publication called the *Gentleman's Journal*, which had used the motto from January 1692 to November 1694. In 1856 the *Gentleman's Magazine* specifically acknowledged its debt to the earlier publication.[34] It is unlikely that either Du Simitière or the members of the first seal committee knew of this seventeenth-century use of the phrase, but the direct and acknowledged derivation from the *Gentleman's Journal* rules out any possibility that the legend in the *Gentleman's Magazine* could have had its origin in the *Spectator*, which had once used the quotation *Exempta juvat spinis e pluribus una* as a heading—but not until August 20, 1711,[35] after the demise of the *Gentleman's Journal*.

Classics-oriented writers of the nineteenth and early twentieth centuries[36] searched diligently for early sources of *E Pluribus Unum*, but found no source that used exactly those three words together, with the adjective *unum* in its neuter form. They found the words *color est e pluribus unus* (the color is one out of many) in an early poem by Virgil entitled *Moretum*, where the context was the gradual blending of the colors of food as it was mixed.[37] Tracing to its source the *Spectator*'s heading quoted above, they discovered *Quid te exempta iuvat spinis de pluribus una*? (What good does it do you to pluck out one among many thorns?) in Horace's

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[33] Carlson, *First Magazine*, p. 242. The Library Company of Philadelphia had a set of the *Gentleman's Magazine* dating from 1731 in its collections. Library Company of Philadelphia, *Charter, Laws, and Catalogue*, 1770, octavo volumes, under *G*. Regarding Du Simitière's familiarity with the magazine, see Donaghy, *Pierre Eugene Du Simitiere*, pp. 14–15. The motto *E Pluribus Unum* did not appear on the masthead of the individual monthly issues of the *Gentleman's Magazine*, but rather on the title pages printed for the annual volumes in which reprints of those issues were sold. The annual title pages with the motto were also presumably provided to subscribers.

[34] Deutsch, "E Pluribus Unum", p. 392. Carlson, *First Magazine*, p. 32.

[35] *Spectator*, No. CXLVIII, Aug. 20, 1711, p. 1. Another suggested origin of the motto which may be discarded is the Latin poem by John Carey entitled "The Pyramid of Fifteen States". Here the title itself proves that the poem was written no earlier than 1792, when the fifteenth State was admitted to the Union. See Preble, *Our Flag: Origin and Progress of the Flag of the U.S.*, p. 483.

[36] Deutsch, in his article "E Pluribus Unum", published in 1923, cited the most important of the earlier writers and writings on the subject.

[37] *Virgil* (Fairclough, tr.), II, 460.

Second Book of Epistles, epistle II, line 212.[38] They found *flagrare animos et ex pluribus unum facere* (to set our souls ablaze and make one out of many) in book IV of the *Confessions* of St. Augustine.[39] And in chapter XIII of Fortescue's work on English law they found the passage, *Quandocumque ex pluribus constituitur unum* (Whenever one body is constituted out of many), based on the *Politics* of Aristotle.[40] While it is known that the editor of the *Gentleman's Journal*, Pierre Motteux,[41] was a man of letters, and while it may perhaps be assumed that he (and Adams, Franklin, Jefferson, and Du Simitière as well) was familiar with one or more of these passages, there is no way of determining which (if any) of these possible ultimate sources was in his mind when he first used *E Pluribus Unum* in the *Gentleman's Journal* in 1692. Perhaps Horace, as Motteux used the phrase in the sense of *selecting* one out of many;[42] but for the meaning intended by the first seal committee—a *union* or *blending* of many into one—a derivation from the passages quoted above from Virgil or St. Augustine or Fortescue would have provided a more appropriate context.

Whatever the ultimate source, it seems clear that the immediate source for the use of the motto by the first seal committee was the *Gentleman's Magazine* and that it was Du Simitière who suggested *E Pluribus Unum* to the committee.

Choice of the motto was the work of an artist. Its perfect suitability to the design that Du Simitière proposed can hardly be overemphasized. The phrase expresses exactly in words what Du Simitière was expressing in his sketch. The design depicts the diversity of the European origins of the American people, superimposes upon that diversity the diversity of the thirteen independ-

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[38] *Q. Horati Flacci opera omnia* (Wickham, ed.), p. 289.

[39] *St. Augustine's Confessions* (Watts, tr.), I, 170.

[40] Fortescue, *De laudibus legum Anglie*, p. 30. Deutsch, "E Pluribus Unum", pp. 393–395, made the point that Barton gave Thomson a copy of Fortescue just when the seal design was taking final shape, and suggested it may have been a fresh reading of Fortescue that caused Thomson in 1782 to revive the motto *E Pluribus Unum*, which was before him in the report of the first seal committee. Barton's gift to Thomson is documented in Mass. Hist. Society, *Proceedings*, 1st series, IX, 352, Sept. 1866; Burnett, ed., *Letters*, VI, 374.

[41] Concerning Motteux, see *Cambridge Hist. of English Literature*, IX, 302–305; Wieder, *Pierre Motteux*, *passim*.

[42] Deutsch, "E Pluribus Unum", p. 392.

ent States, and then shows them all joined one to another by a golden chain and further unified within the bounds or outline of the principal shield. The motto seems even more precisely appropriate to this design than to the Great Seal design as finally adopted. Surely it was the artist Du Simitière who chose the phrase—or quite possibly he began with the phrase as a central idea and from it developed his design.

The Committee's Report

Between August 14 and 20 the committee prepared its report to Congress. More precisely, it delegated that task to one of its members, presumably instructing him what to put in it. Unfortunately, the original report, the handwriting of which might have revealed who prepared it, has not been found. The fact, however, that the committee's surviving papers, namely, Franklin's note, Jefferson's adaptation of it, and Du Simitière's description and sketch, are now among Jefferson's papers in the Library of Congress, is a strong indication that Jefferson was the one who drew up that report. Consistent with this view is Jefferson's well known propensity for active participation in the work of any committee or other body with which he was associated.

On August 20, 1776, the committee submitted its report to Congress. That report, which contemplated a pendant seal, drew on Du Simitière's description for the obverse and on Franklin's proposal as rewritten by Jefferson for the reverse. A new opening sentence specifies that the design of the obverse should be "the Arms of the United States of America". Then follows the whole of Du Simitière's description, with minor variations in wording and none in meaning, except for these two changes: (1) the Goddess Liberty no longer rests her left hand on an anchor, which has been omitted, but uses it to support the shield; and (2) the American soldier has been replaced by "the Goddess Justice bearing a Sword in her right hand, and in her left a Balance". As with the obverse, a new opening sentence introduces the reverse. Then follows, word for word, Jefferson's redraft of Franklin's proposal, except for two changes: (1) "pillar" becomes "Pillow", presumably through inadvertence; and (2) "reaching to Moses" becomes "beaming on Moses". The only known contemporary

source for the text of the report is a copy in the handwriting of James Lovell, Delegate from Massachusetts and chairman of the second committee appointed to prepare a design for the Great Seal.[43] That copy reads as follows:

> The great Seal sh^{d} on one side have the Arms of the United States of America which arms should be as follows. The Shield has six Quarters, parti one, coupé two. The 1st Or, a Rose enammelled gules & argent for England: the 2^{d} Argent, a Thistle proper, for Scotland: the 3^{d} Verd, a Harp Or, for Ireland the 4th Azure a Flower de Luce Or for France the 5th Or the Imperial Eagle Sable for Germany: and the 6th Or the Belgic Lion Gules for Holland pointing out the Countries from which these States have been peopled. The Shield within a Border Gules entoire of thirteen Scutcheons Argent linked together by a Chain Or, each charged with initial Letters Sable as follows 1st NH. 2^{d} M.B. 3^{d} RI. 4th C. 5th NY. 6th NJ. 7th P 8th DC. 9. M 10th V. 11th NC. 12th SC. 13 G. for each of the thirteen independent States of America.
>
> Supporters, dexter the Goddess Liberty in a corselet of armour alluding to the present Times, holding in her right Hand the Spear & Cap and with her left supporting the Shield of the States; sinister, the Goddess Justice bearing a Sword in her right hand, and in her left a Balance.
>
> Crest The Eye of Providence in a radiant Triangle whose Glory extends over the Shield and beyond the Figures
>
> Motto E PLURIBUS UNUM.
>
> Legend, round the whole atchievement. Seal of the United States of America MDCCLXXVI
>
> On the other side of the said Great Seal should be the following Device. Pharoah sitting in an open Chariot a Crown on his head & a Sword in his hand passing through the divided Waters of the Red Sea in Pursuit of the Israelites: Rays from a Pillow of Fire in the Cloud, expressive of the divine Presence & Command, beaming on Moses who stands on the shore and extending his hand over the Sea causes it to overwhelm Pharoah
>
> Motto Rebellion to Tyrants is Obedience to God.[44]

A later artist's realization of the devices described in this report is reproduced as illustration 4.

The pertinent record for August 20, 1776, as printed in the *Journals of the Continental Congress*, consists of these few words:

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[43] See Chapter III.

[44] Papers Cont. Cong., item 23, folio 143, R.G. 360, N.A. An endorsement in Lovell's handwriting reads: "N° 1 / Copy of a Report / made Aug. 10. 1776". The date is an error for Aug. 20, 1776.

> The committee appointed to prepare a device for a great seal for the United States, brought in the same, with an explanation thereof. [45]

This wording is a bit puzzling. The original manuscript Journals do not show what was before Congress at this point. The editor of the printed *Journals* has introduced here the text of the report as printed above. One is disposed to ask, Is this paper the "device", or is it the explanation? The word "device" could mean either a written description or a sketch. Did Du Simitière provide a sketch, now missing, of the design as set forth in the report of August 20? Such a sketch might have been the device, and this report the explanation. If he had done such a final sketch, however, even though it had been lost, as the original of Jefferson's report has been lost, one might expect to find a record of it in his notebooks, now in the Library of Congress; but there is none.[46] Perhaps, though, there are enough explanatory phrases in this text (e.g., "pointing out the Countries from which these States have been peopled"; "for each of the thirteen independent States of America"; "alluding to the present Times") to warrant the reference to a "device . . . with an explanation thereof". All in all, this seems to be the most reasonable view.

On the same day, immediately following the report to Congress, the *Journals* laconically record its fate: "*Ordered*, To lie on the table."[47] Then as now in Congress, this action had the effect of killing the proposal. Although no other record of the reaction of Congress has been found, that the majority was dissatisfied with the device is obvious. So ended the work of the first committee.

Subsequent Developments

Although nothing more was done about a seal device for some time, the matter was not forgotten. Congress and its agents remained aware of the need for a symbol for the new Republic, for use both at home and abroad, but particularly in its relations with foreign governments. Scarcely more than three months after Congress had tabled the committee's proposal, a reference to the

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[45] *Journals*, V, 689.

[46] Pierre Eugène Du Simitière Notebooks, Ms. Div., L.C. Some extracts are printed in Potts, "Du Simitiere", pp. 356–375.

[47] *Journals*, V, 691.

need for a seal in its foreign relations appeared in the diplomatic correspondence. Silas Deane,[48] of Connecticut, had been appointed Secret Agent of the Continental Congress in France March 3, 1776, and had arrived in France May 4, 1776. He had been recommissioned Joint Commissioner, with Benjamin Franklin and (later) Arthur Lee,[49] to the Court of France September 28, 1776. In a despatch to the Committee of Secret Correspondence dated at Paris November 28, 1776, Deane acknowledged receipt of the text of the Declaration of Independence together with instructions that he should make that document known to the governments of France and other nations of Europe. Deane suggested that Congress might appropriately use greater formality in communicating with the governments of Europe, and he continued with these remarks:

> . . . I mention it as deserving consideration whether, in your application here and your powers and instructions of a public nature, it is not always proper to use a seal. This is a very ancient custom in all public, and even private, concerns of any consequence.[50]

Not quite two months after the date of that despatch, Congress took a small step in the direction of a seal when, on January 20, 1777, it passed this resolution:

> *Resolved*, That a committee of three be appointed to examine the file of reports, and lay before Congress, a list of the business unfinished, and which ought to be taken up.[51]

Three days later, on January 23, the committee "brought in a report, which was read":

> The committee appointed to examine the file of Reports &c. beg leave to report, that they have examined the same and selected therefrom such as in their Opinion require the Consideration of Congress which they have put into the Bundle marked A and digested in the following Order, to wit:
>
> . . . . . .
>
> 5. Report on a Device for a public Seal.[52]

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[48] For a biographical sketch, see *Dict. Amer. Biog.*, V, 173–174.

[49] See Chapter IV, p. 47.

[50] Wharton, ed., *Revolutionary Diplomatic Correspondence*, II, 196.

[51] *Journals*, VII, 51. The members of the committee appointed under this resolution were William Ellery, of R.I., George Ross, of Pa., and John Hall, of Md.

[52] *Ibid.*, pp. 58–59.

The report on a device for a public seal was the above-printed report that Franklin, Adams, and Jefferson had brought in on August 20, 1776.

The report of January 23, 1777, like that of the seal committee, was promptly ordered to lie on the table.[53]

A step that proved to be of some importance in advancing the design of a seal occurred not quite five months later. On June 14, 1777, with nothing in the way of preliminaries placed on the record, Congress adopted a resolution providing for a design for the American flag:

> *Resolved*, That the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.[54]

No further action toward the creation of a Great Seal took place until the appointment of a second seal committee, more than two years and nine months later.

Jefferson and the Bundle of Rods

In subsequent years two at least of the three members of the first seal committee recorded their further thoughts on the matter of a design for the seal of he United States. Although they had no effect on the final design, the ideas set down on paper by Jefferson and Franklin are of interest.

Regarding Jefferson's idea, Julian P. Boyd, editor of *The Papers of Thomas Jefferson*, has supplied this note:

> In TJ[efferson]'s Account Book for 1774, but undoubtedly inserted later, appears this suggestion:
>
> "A proper device (instead of arms) for the American states united would be the Father presenting the bundle of rods to his sons.
>
> "The motto 'Insuperabiles si inseparabiles' [55] an answer given in parl. to the H. of Lds. & Comm. . . ."
>
> The father-and-son story is from Aesop; the motto is adapted from Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England*, London, 1681, p. 35.[56]

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[53] *Journals*, VII, 59.
[54] *Ibid.*, VIII, 464.
[55] Insuperable if inseparable.
[56] Jefferson, *Papers* (Boyd, ed.), I, 495.

Franklin and the Turkey

Seven and a half years after his service on the seal committee—after the war had been won and peace established, and after a design for the seal had been adopted and put into use—Franklin expressed his distaste for the bald eagle as the symbol of the country. From Passy on January 26, 1784, he wrote to his only daughter, Mrs. Sarah Bache, wife of a Philadelphia merchant. In this letter he penned an entertaining and mildly caustic commentary on the newly founded Society of the Cincinnati—of which he later became an honorary member.[57] The letter includes these paragraphs:

> The Gentleman who made the Voyage to France to provide the Ribbands & Medals has executed his Commission.[58] To me they seem tolerably done; but all such Things are criticised. Some find fault with the Latin, as wanting classic Elegance & Correctness; and since our Nine Universities were not able to furnish better Latin, it was Pity, they say, that the Mottos had not been in English. Others object to the Title, as not properly assumable by any but Gen. Washington,[59] who serv'd without Pay. Others object to the Bald Eagle, as looking too much like a *Dindon*, or Turky. For my own part I wish the Bald Eagle had not been chosen as the Representative of our Country. He is a Bird of bad moral Character. He does not get his Living honestly. You may have seen him perch'd on some dead Tree near the River, where, too lazy to fish for himself, he watches the Labour of the Fishing Hawk; and when that diligent Bird has at length taken a Fish, and is bearing it to his Nest for the Support of his Mate and young Ones, the Bald Eagle pursues him & takes it from him. With all this Injustice, he is never in good Case but like those among Men who live by Sharping & Robbing he is generally poor and often very lousy. Besides he is a rank Coward: The little *King Bird* not bigger than a Sparrow attacks him boldly & drives him out of the District. He is therefore by no means a proper Emblem for the brave and honest Cincinnati of America who have driven all the

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[57] Franklin was made an honorary member of the State Society of the Cincinnati of Pa. on July 7, 1789. Letter to the author, May 7, 1974, from Mr. John D. Kilbourne, Director, The Society of the Cincinnati, Anderson House, Washington, D.C.

[58] The gentleman was Maj. Pierre Charles L'Enfant. *Ibid.; Dict. Amer. Biog.*, XI, 165–169.

[59] Regarding the three available texts of the letter from which these paragraphs are quoted, see footnote 62, *infra*. The first, which is a draft, reads here as does this quotation; but the second, which is a "transcript", includes here the words "and a few others". These words are also in the letter as printed in Franklin, *Complete Works* (Bigelow, ed.), VIII, 444.

> *King birds* from our Country, tho' exactly fit for that Order of Knights which the French call *Chevaliers de l'Industrie*.[60] I am on this account not displeas'd that the Figure is not known as a Bald Eagle, but looks more like a Turky. For in Truth the Turky is in Comparison a much more respectable Bird, and withal a true original Native of America. Eagles have been found in all Countries, but the Turky was peculiar to ours, the first of the Species seen in Europe being brought to France by the Jesuits from Canada, and serv'd up at the Wedding Table of Charles the ninth. He is besides, tho' a little vain & silly,[61] a Bird of Courage, and would not hesitate to attack a Grenadier of the British Guards who should presume to invade his Farm Yard with a red Coat on.[62]

Franklin was probably not writing seriously, as he had promptly used the new Great Seal device, with the eagle, on two publications printed on his press at Passy in 1783.[63] But the story of Franklin's preference for the turkey has been so widely disseminated that readers of a nationally distributed magazine were expected to recognize the allusion to it when they saw a cartoon showing (on a circular field with a scalloped edge, resembling a seal wafer) a turkey displaying a shield on its breast and grasping an olive branch and arrows, with the motto *E Pluribus Unum* also forming part of the design.[64]

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[60] Franklin's immersion in the French language shows in his use of *dindon* for "turkey" and in his play with the phrase *chevaliers de l'industrie*, meaning "sharpers".

[61] Here the above-mentioned draft reads simply, "He is besides a Bird of Courage". The press copy here quoted shows the words "tho' a little vain & silly" inserted with a caret. The transcript shows an opening parenthesis inserted before "tho' " and the words " 'tis true, but not the worse emblem for that)" inserted with a caret after "silly". The text in *Complete Works*, VIII, 445, reads: "He is, besides, (though a little vain and silly, it is true, but not the worse emblem for that,) a bird of courage . . ."

[62] Benjamin Franklin Papers, series 2, vol. 6, Jan. 12, 1784–May 23, 1785, folios 1276–1278, Ms. Div., L.C. The press copy of the signed original letter, from which these paragraphs are taken, begins on folio 1270 and ends on folio 1280. The above-mentioned draft text of the letter runs from folio 1263 to folio 1266, and the transcript from folio 1267 to folio 1269.

[63] See Chapter XV, p. 383, and illustration 61.

[64] The cartoon described here, by Kovarsky, appeared in color on the cover of the *New Yorker* for Nov. 24, 1962.

Chapter III

THE SECOND COMMITTEE, 1780

Turning its attention again to the problem of a device for a Great Seal, Congress on March 25, 1780, ordered the report of the first committee referred to a new committee. The members named to this committee were James Lovell, of Massachusetts, chairman; John Morin Scott, of New York; and William Churchill Houston, of New Jersey.[1]

The Members of the Committee

Lovell was a native of Boston, born October 31, 1737, and thus forty-two years old at the time. He was a scholar, teacher, and politician who had been a Member of the Continental Congress for three years. A graduate of Harvard in 1756, he had taught for eighteen years in South Grammar or Latin School, where his father was headmaster. He knew French and was fluent in Latin. Having vigorously and eloquently opposed British measures toward the Colonies, he was arrested following the Battle of Bunker Hill and sent to Halifax, where he spent some months as a prisoner. Exchanged in November 1776, he returned to Boston and received a warm welcome. He was promptly chosen a Delegate to the Continental Congress and took his seat in February 1777. Three months later he was named a member of the Committee for Foreign Affairs. There, although he knew little about such matters, his devotion to his duties won him a measure of distinction. There is no evidence that he contributed anything to the seal design proposed by his committee.[2]

Born in New York City about 1730, Scott was near fifty when he served on this committee. A graduate of Yale in 1746,

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[1] *Journals*, XVI, 287. Papers Cont. Cong., item 185, II, 30, R.G. 360, N.A.

[2] *Dict. Amer. Biog.*, XI, 438–439. *Biog. Direc. Amer. Cong.*, p. 1310. *Appleton's Cyclopædia*, IV, 35–36. Austin, *Elbridge Gerry*, I, 336–338.

he studied law and was admitted to the New York bar in 1752. He soon distinguished himself as a lawyer; and he alined himself with the Whig Party. He maintained an active practice and at the height of his career possessed substantial means and lived in sumptuous style in New York City. A ready speaker and a political writer, he served in 1775–1777 in the New York Provincial Congress, where he became a leader of the radical party. Despite his preoccupation with law and politics, he found time in 1776–1777 for military service as a brigadier general. He served as a Member of the Continental Congress from 1779 until 1783. As a great-grandson of a Scottish baronet, he was undoubtedly familiar with his ancestral coat of arms and with the basics of heraldry. The record includes no evidence, however, that he did more than acquiesce in the committee's final proposal.[3]

Houston was the youngest member of the committee. Born in what is now Cabarrus County, North Carolina, of Scottish ancestry, about 1746, he was thirty-four or thirty-five at the time. Growing up on the North Carolina frontier, he had received an education in classical subjects in the local school. Traveling then on horseback to New Jersey, he attended the College of New Jersey (now Princeton), supporting himself by teaching in the grammar school there. He received his A.B. degree with honors in 1768. From 1769 until 1783 he was a member of the faculty at Princeton. Meanwhile, he served as Deputy Secretary of the Continental Congress, 1775–1776; and in 1776–1777 he saw active military service in the vicinity of Princeton. After sitting in the New Jersey Assembly, 1777–1779, he became a Member of the Continental Congress in 1779. There he devoted himself to matters of supply and finance, at the same time continuing his teaching and commencing the study of law.[4]

Francis Hopkinson, Consultant

The committee sought the assistance of a prominent and gifted Philadelphian who had previously been a Member of the

[3] *Dict. Amer. Biog.*, XVI, 495–496. *Biog. Direc. Amer. Cong.*, p. 1668. *Appleton's Cyclopædia*, V, 437.

[4] *Dict. Amer. Biog.*, IX, 267–268. *Biog. Direc. Amer. Cong.*, p. 1146. *Appleton's Cyclopædia*, III, 275. Glenn, *William Churchill Houston*, *passim*, especially pp. 1–2, 5–8, 14–15, 18–35, 39, 44–46, 63–64, 66–67.

Continental Congress, Francis Hopkinson. Of the same age as Lovell, a lawyer, musician, writer, and public official, Hopkinson had been the first graduate, in 1757, of the College of Philadelphia. Innately musical, he performed publicly on the harpsichord and composed both sacred and secular music, claiming to be the first native American "who has produced a Musical Composition." He also displayed literary abilities, writing poetry, essays, and political satire for publication. Having studied law, he was admitted to the bar in 1761 and began practice in Philadelphia. In 1766, hoping to obtain political preferment, he went to England and visited kinsmen and friends. In 1774–1776 he served as a member of the Provincial Council of New Jersey. Arriving in Philadelphia on June 28, 1776, as a Delegate from New Jersey, he voted for and signed the Declaration of Independence and served until November 30 of that year. In 1776–1777 he was a member of the Navy Board, in 1778–1781 Treasurer of the Continental Loan Office, and in 1779–1780 judge of the Admiralty Court of Pennsylvania.[5]

A highly versatile individual, Hopkinson numbered among his talents and accomplishments an interest in and knowledge of heraldry. In 1776 Hopkinson designed, or helped design, the Great Seal of New Jersey. He created the American flag that Congress adopted on June 14, 1777. Other items that he designed for Congress from time to time included devices, borders, ornaments, and similar "fancy work" for currency, checks, and bills of exchange, and seals for the Board of Treasury, for the Board of Admiralty, and for ships' papers. In 1782 he designed a seal for the University of the State of Pennsylvania, which later united with the College of Philadelphia to form the University of Pennsylvania. Hopkinson used his own family coat of arms, probably as a bookplate.[6]

As noted below, Hopkinson's work on the flag undoubtedly contributed to his suggestion, as the second committee's consultant, that the Great Seal device should have alternate white and red stripes (*argent* and *rouge* in the committee's terminology)—

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[5] *Dict. Amer. Biog.*, IX, 220–223. *Biog. Direc. Amer. Cong.*, p. 1140. *Appleton's Cyclopædia*, III, 260. Hastings, *Francis Hopkinson*, *passim*. Ellinwood, "Francis Hopkinson".

[6] Hastings, *Francis Hopkinson*, pp. 238–242 and the plate facing p. 256.

an element of design which eventually was used in the final blazon for the seal obverse adopted in 1782. Hopkinson also made another contribution, quite unrelated to his work for the second seal committee, to the final devices approved in 1782. This was his design for the $50 denomination of the Continental currency issued in 1778—an unfinished pyramid with the motto *Perennis*—which was almost certainly the source for William Barton's proposal for the seal reverse four years later, including an unfinished pyramid and the motto *Perennis*. For reproductions of Hopkinson's $50 bill design and Barton's adaptation of it, see illustrations 11 and 12. Hopkinson's design for the $40 bill of 1778 is also pertinent here, as it contained as one element an eye with a glory, or rays of light around the eye.[7] It will be recalled that Du Simitière, consultant to the first seal committee, had used an eye in a triangle, with a glory, as part of his proposal (see illustration 3). Whether Barton, in drawing his proposed reverse, had in mind Du Simitière's proposal or Hopkinson's $40 bill, or both, or even some other source, is a question which can probably never be determined definitively.

A portrait of Hopkinson is reproduced as illustration 9.

Hopkinson's Designs

So far as the records show, Hopkinson did the work of this committee, except for clerical assistance and one suggestion from Houston. The Treasurer of Loans prepared two sets of drawings or sketches, each consisting of an obverse and a reverse, with the second set superseding the first.[8] They are reproduced as illustrations 5 and 6. The two obverses and the two reverses are generally similar. Both obverses have a shield with white and red diagonal stripes between two supporters, and both have above the shield a constellation of thirteen six-pointed stars.

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[7] Newman, "Continental Currency", pp. 1589, 1594–1596. The author is indebted to Mr. Robert Hieronimus, of Baltimore, for calling his attention to Newman's research.

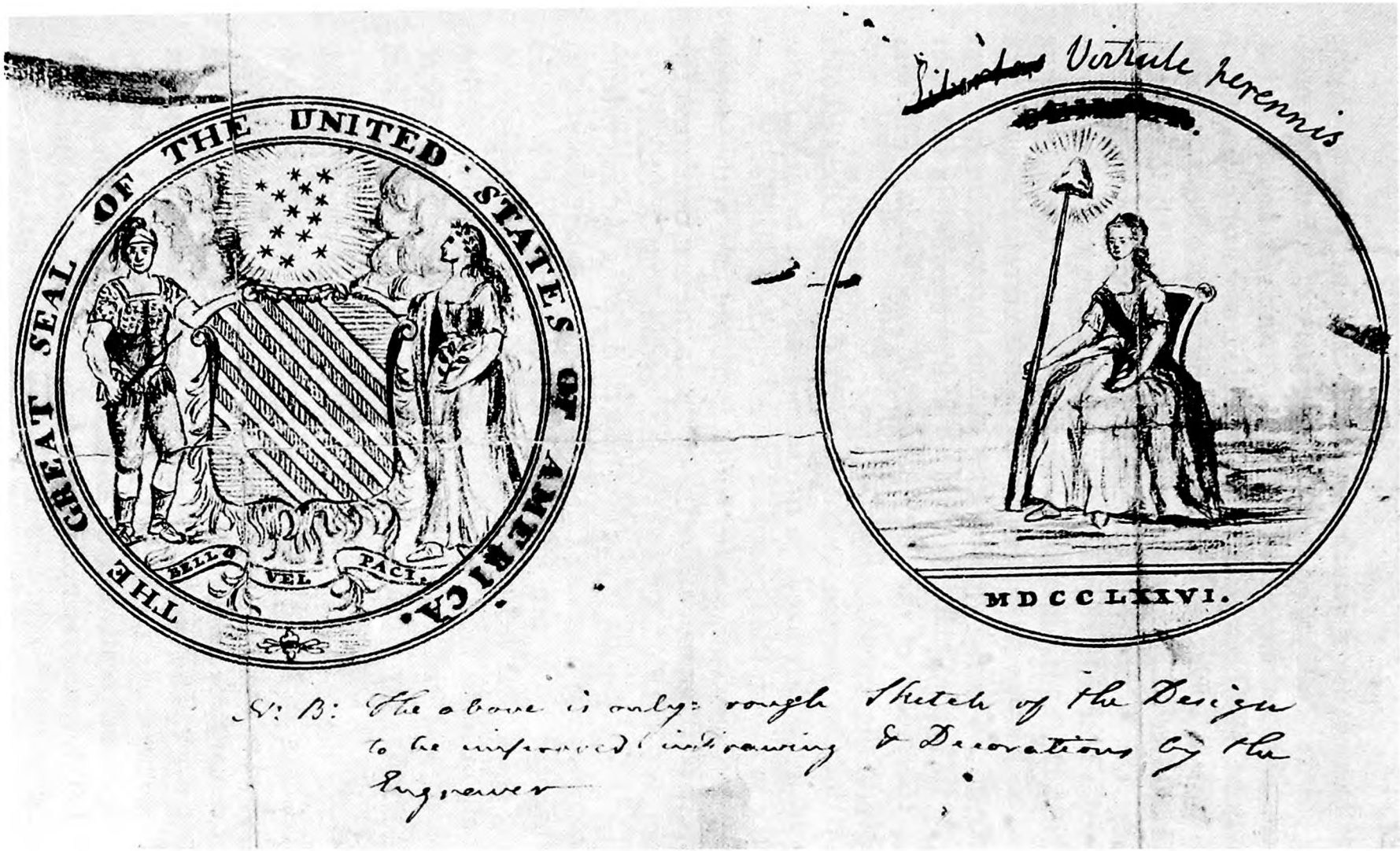
The influence of the design of the $50 bill of 1778 on that of the reverse of the Great Seal was recognized in the literature on U.S. currency at least as early as 1863. See Lossing, "Continental Money", p. 442.

[8] Hopkinson's drawings are in Papers Cont. Cong., item 23, folios 125, 127, 133, 135.



5. Second Committee, 1780: Hopkinson's Drawings of His First Proposals for the Obverse (*left*) and Reverse (*right*)

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6. Second Committee, 1780: Hopkinson's Drawings of His Revised Proposals for the Obverse (*left*) and Reverse (*right*)

Both reverses use a female figure representing Liberty as the basic device. Numerous differences, however, are to be noted.

As for the obverses, the first has a smaller constellation than the second, and between it and the shield is a helmet, which is there crossed out and which does not appear in the second. The first has fifteen stripes of white and red, which fill the shield, whereas the second has only thirteen, likewise of white and red, and a blue field shows in the corners above and below them. The first has as its dexter supporter a "naked savage" holding a bow and arrow in his right hand and carrying a quiver of arrows on his back, whereas the second has a soldier in what appears to be antiquated garb with a drawn sword in his right hand. The motto of the first is *Bello vel Pace Paratus;* this was changed in the second to *Bello vel Paci.*

As for the reverses, in the first the figure of Liberty holds a sword in her left hand; in the second, an olive branch. In the first the motto in the upper part of the circle reads *Aut Hæc aut Nullus;* in the second, *Semper*, which is crossed out, with ~~*Libertas*~~ *Virtute perennis* written above the circle. In the first the date at the bottom is "MDCCLXXX"; in the second, "MDCCLXXVI".

The lower margin of the first obverse drawing shows evidence that someone—presumably Charles Thomson[9]—while studying it, experimented with pen sketchings of chevrons and a shield bearing them. The second set of drawings, now two pages, was originally a single large sheet of paper, across the lower portion of which was this note in Hopkinson's handwriting: "N:B: The above is only a rough Sketch of the Design to be improved in Drawing & Decorations by the Engraver".

Three other papers reflecting the work of the committee survive. One, in Lovell's handwriting, is a memorandum which he supplied to the third committee in 1782 to show what the two earlier committees had done and what action Congress had taken on their work. The opening portion of this memorandum, which simply summarizes the record of the *Journals* relating to the first and second committees (with an error in one place of "1779" for "1780"), provides no new information and is accordingly

[9] Regarding Thomson, who, as Secretary of Congress, prepared a design of his own, using red and white chevrons (cf. illustration 14), see Chapter V, pp. 71 ff.

omitted here. The memorandum ends with the text of a seal blazon headed "Original Report of May 10. 1779". In this heading the word "Original" was obviously added after the rest of the heading had been written, and the date "1779" is again an error for "1780". This report is presumably the seal proposal submitted to Congress under date of May 10, 1780, and read the next day. It follows:

> The Seal to be 4 Inches Diametre.
> On one Side— The Arms of the United States as follows The Shield charged on the Field with 13 diagonal Stripes alternate red & white— Supporters dexter, a Warriour holding a Sword; sinister a Figure representing Peace bearing an Olive Branch— The Crest a radiant Constellation of 13 Stars— The motto *Bello vel Paci*— The Legend round the Atchievement Seal of the United States
> On the Reverse— The Figure of Liberty seated in a Chair holding the Staff & Cap. The Motto *semper* Underneath MDCCLXXVI.[10]

Although this blazon generally matches Hopkinson's second set of drawings, it differs on four points: (1) it specifies "red & white" stripes, while the drawing shows white and red; (2) although the blazon does not mention it, the drawing shows the diagonal stripes on a blue field; (3) the legend of the blazon is "Seal of the United States", while that of the drawing is "The Great Seal of the United States of America"; and (4) the blazon gives the motto as *semper*, whereas that motto and the word *Libertas* are crossed out on Hopkinson's second drawing of the reverse, leaving there the motto *Virtute perennis*, as in the original of the committee's report printed below.

Lovell's memorandum bears an endorsement, likewise in his handwriting, "Proceedings respect[g] a Seal of the United States", followed, in a column, by the names, "M[r] Middleton", "M[r] Boudinot", and "M[r] Lee".[11]

The Committee's Report

Besides Lovell's text, the original of the committee's report to Congress is available, though bearing alterations of a date later than its submission. Both text and alterations are in

[10] Papers Cont. Cong., item 23, folio 121.
[11] *Ibid.*, folio 124.

Houston's handwriting. The paper is endorsed in Thomson's hand, "Report of the Com^te^ on the device of a great Seal— Delivered May 10, 1780 read—May 17, 1780 Recommitted—". Below this endorsement, again in Houston's hand, is this note: "N.B: the within report has been altered since the Recommitment of May 17, 1780."[12] The report as it now stands, including the alterations, reads as follows:

> The Comittee to whom was referred on the 25th of March last[a] the Report of a former Comittee on the Device of a Great Seal for the United States in Congress assembled, beg Leave to Report the following Description
>
> The Seal to be 3[b] Inches in Diametre
>
> On one Side the Arms of the United States, as follows; The Shield charged on the Field Azure[c] with 13 diagonal Stripes alternate ~~red~~ rouge and ~~white~~ argent— Supporters; dexter, a Warriour holding a Sword; sinister, a Figure representing Peace bearing an Olive Branch— The Crest—a radiant Constellation of 13 Stars— The Motto, *Bello vel Paci;* the Legend round the Atchievement—The great[d] *Seal of the United States of America*
>
> On the Reverse, the Figure of Liberty seated in a Chair holding ~~the~~ her[e] Staff and Cap— The Motto ~~Semper Libertas~~ Virtute perennis— Underneath, MDCCLXXVI.—
>
> A Drawing of the Seal is annexed—N° 3 May 10th 1780—
>
> A Miniature of the Face of the Great Seal to be prepared of Half the Diametre, to be affixed as the less Seal of the United States.[13]
>
> [a] The words "on the 25th of March last" are inserted with a caret.
> [b] The figure "3" is written over the figure "4".
> [c] The word "Azure" is inserted with a caret.
> [d] The words "The great" are inserted with a caret.
> [e] The word "her" is written over the word "the".

Hopkinson's obverse resembles that of the first committee in using the shield and the legend, and it resembles Du Simitière's original proposal in employing a military figure and a female figure as supporters. His reverse borrowed the Goddess Liberty, though seated rather than standing, and the year date "MDCCLXXVI", from the first committee's obverse. The American flag, which Hopkinson had designed and which Congress had adopted on June 14, 1777, undoubtedly inspired the white and red stripes and blue background on the shield and the constellation of thirteen

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[12] Papers Cont. Cong., item 23, folio 130.
[13] *Ibid.*, folio 129.

stars as the crest. The second committee contributed to the final seal design the white and red stripes and blue background on the shield, the radiant constellation of thirteen stars, and the olive branch from the reverse. The year date, from the earlier committee, also carried over.

The similarity of the first line of the specifications for the seal in the foregoing report to the first line of a seal blazon Hopkinson created in 1782,[14] suggests that Hopkinson himself, and not one of the committee, composed the blazon. Perhaps he dictated it to Houston.

Although presumably only the second set of Hopkinson's drawings accompanied this report on its submission to Congress, both sets remained among the records of that body and were available to the third committee.

One more paper relating to the work of this committee is an undated slip measuring about 2½ inches by 7⅜ inches and bearing four lines of writing in Houston's hand. This was perhaps an original suggestion by Houston that the committee discarded. Insertions and deletions make the wording barely decipherable. As first written, without the changes, it apparently read:

> The Figure of Liberty in a standing Attitude and flowing Dress, leaning on a Column, on which are to be engraved the Emblems of Navigation, Comerce, Agriculture and Arms——

With the changes, it appears to read:

> The Figure of Liberty standing on a Pedestal in a flowing Dress, leaning on a Column, on which are to be the Emblems of Comerce, Agriculture and Arms in Sculpture.[15]

The various Latin mottoes proposed in the course of the work of this committee have been explained as follows:

> *Aut haec aut nullus*. This is troublesome because it is ungrammatical. It is formed on the analogy of the Latin saying, *Aut Caesar aut nullus* (Either Caesar or no one). The latter saying is used to describe the attitude of a person of overweening ambition, one who insists on being nothing other than the top man.
>
> The problem with the Latin of *Aut haec aut nullus* is that the *haec* (which is the feminine pronoun presumably intended to stand in place of

[14] Printed in Hastings, *Francis Hopkinson*, p. 239.

[15] Papers Cont. Cong., item 23, folio 144. The second "of" appears to have been crossed out by error when the text was amended.

an unexpressed feminine noun like *confederatio*) is being offered as an alternative to *nullus*, which is masculine and means "nobody (or no one)". Ergo, literally, the translation is "Either this (union) or nobody". One might, however, render it freely as "Either this (union) or nothing", if one were willing to translate *nullus* (masculine) as "nothing".

Libertas virtute perennis. This may be rendered as "Liberty everlasting because of (or by reason of) virtue". The word *virtus* (ablative *virtute*) originally meant "manliness", "strength", or "bravery". It came to mean also "excellence", "moral worth", or "virtue".

Virtute perennis. This means "Everlasting because of (or by reason of) virtue".

Semper. This means "Always".

Bello vel pace paratus. This means "Prepared in war or in peace".

Bello vel paci. This also is troublesome. Literally, it means "For war or for peace". If the final letter of *paci* were an *e*, which it is not, the expression would mean "In war or in peace", as in the immediately preceding item, which would make better sense.[16]

The Committee dated its report May 10, 1780, attached the second set of Hopkinson's drawings to it, and delivered it to Charles Thomson that day.[17] The next day it was read in Congress. The brief record of this action, which combines it in one sentence with a wholly separate matter, reads as follows:

> The committee on a device of a great seal; and the committee, to whom was referred the petition of Colonel Derik, brought in reports, which were read.[18]

On May 17 Congress considered the report, debated it, and ordered it recommitted.[19] In other words, Congress referred it back to the committee. This referral presumably accounts for Houston's further work on the report, represented by the changes in it already mentioned.

Eight days later, on May 25, 1780, Hopkinson sent to the Board of Admiralty a letter listing eight items, including the flag of the United States, his proposal for the Great Seal, and three other seals that he had designed for the Government; and he asked "whether a Quarter Cask of the public Wine will not be a proper & a reasonable Reward for these Labours of Fancy and a suitable Encouragement to future Exertions of a like Nature." The

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[16] Gerber, *Latin Mottoes*, pp. 1–2. This paper, prepared for the authors by Mrs. Sylvia W. Gerber, of Washington, has been an invaluable aid.

[17] Papers Cont. Cong., folio 130, endorsement on report.

[18] *Journals*, XVII, 423, May 11, 1780.

[19] *Ibid.*, p. 434.

following month Hopkinson submitted instead an account for £2,700, of which his charge for designing "The Great Seal of the States with a Reverse" was £600. The Commissioners of the Chamber of Accounts reported to the Auditor General that the charges were reasonable and ought to be paid, and the latter official passed the account to the Board of Treasury for allowance. That Board eventually rejected the account for want of supporting vouchers and passed it on to Congress. In doing so, it remarked that it would not have allowed the account, even with vouchers, because (1) "with respect to the charges of the works incidental to the Treasury" it was within the knowledge of one of its members that Hopkinson had not been "the only person consulted on those exhibitions of Fancy", and (2) the public was entitled—without fee—to "these little assistances" from individuals receiving a salary from Congress. Hopkinson's account remained unsettled until August 23, 1781, when Congress passed a resolution "That the report relative to the fancy-work of F. Hopkinson ought not to be acted on." Writers on both the flag and the currency have pointed out, however, that no one had challenged Hopkinson's assertion that he had designed most of the items for which he asked compensation,[20] and the action of Congress may have been based principally on the fact that Hopkinson had been a government official when he did the work. Whether because of this experience or for other reasons, Hopkinson took no further part in the work of the second committee; and the committee made no further serious effort to produce an acceptable seal design.

Congress next dealt with the matter of a Great Seal on January 28, 1782, when it passed a resolution specifying certain duties of the Secretary of Congress, among them:

> 6th. To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct:[21]

Although there was then no Great Seal, the need for one remained, and the subject was not forgotten. But three more months passed before Congress took up the matter again.

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[20] Hastings, *Francis Hopkinson*, pp. 240–257. *Journals*, XXI, 899. Newman, "Continental Currency", pp. 1594–1595. Mastai and Mastai, *Stars and the Stripes*, pp. 47, 49.

[21] *Journals*, XXII, 56–57.

Chapter IV

THE THIRD COMMITTEE, 1782

On May 2, 1782, John Rutledge, David Ramsay, and Arthur Middleton attended Congress and presented credentials showing that they and two others had been elected Delegates to represent South Carolina in that body. Two days later, on May 4, Congress designated two of these men, with one other, as members of a committee on a "Device for a Seal of the U.S." The three were Middleton, Elias Boudinot, of New Jersey, and Rutledge. Although the *Journals* of Congress do not mention the appointment of this committee, it is recorded in Charles Thomson's "Committee Book".[1]

The Members of the Committee

Approaching forty when named chairman of this committee, Middleton had attained prominence as a leader of the American cause. Born at "Middleton Place", near what is now Charleston, South Carolina, June 26, 1742, he was a member of a wealthy and distinguished family. He was educated in the Colony and in England, attending St. John's College, Cambridge; studied law in the Middle Temple, London; and traveled in Europe, returning home in 1763. Entering public life, he served as a South Carolina legislator from 1765 until 1768 and again in 1772–1775. In 1775 and 1776 he was a member of the Council of Safety, and in 1776 of the committee to prepare a South Carolina Constitution. Later that year, as a Delegate to the Continental Congress, he signed the Declaration of Independence. Reelected to Congress in 1777, he served until October; reelected in 1778, he declined; again reelected in 1779 and 1780, he failed to attend. In 1778

[1] Papers Cont. Cong., item 186, folio 25, R.G. 360, N.A. For a biographical sketch of David Ramsay, see *Dict. Amer. Biog.*, XV, 338–339.

he was chosen Governor of South Carolina, but declined. During the siege of Charleston in 1780, he saw active service in the militia, was captured when the city fell, and was sent as a prisoner to St. Augustine. Exchanged in July 1781, he presented his credentials to Congress in September; and, reelected in 1782, he served until 1783.[2]

Familiar through aristocratic background, education, and residence and travel abroad with British and Continental coats of arms and seals and with the forms, figures, and designs of heraldry, Middleton would seem to have been a good choice to head this committee. He did not, however, leave any mark of his own on the final design.

Boudinot, the second member of the committee, was born in Philadelphia May 2, 1740, and was thus appointed to the committee on his forty-second birthday. He was the great-grandson of a prosperous French merchant who had come to New York about 1687 and bought extensive lands in New Jersey. After a classical education, he studied law, was licensed as counselor and attorney at law in 1760, and soon attained prominence in his profession. Although a man of wealth and a conservative Whig, he devoted himself to the patriot cause and served in the New Jersey Legislature. In 1777 the Continental Congress commissioned him commissary-general of prisoners, and in this capacity he organized the care of captured Americans, using some of his own funds and overcoming substantial difficulties. In November 1777 he was elected to Congress, but did not attend until July 7, 1778. Reelected thereafter until 1784, he served as President in 1782 and 1783 and signed the instrument of ratification of the preliminary articles of peace with Great Britain. He was active in Congress, serving on more than thirty committees, and his social and legal skills and abilities proved useful in dealings with foreign diplomats.[3]

Though lacking the British education and foreign travel of the other two members of the committee, Boudinot was a cultivated and well informed gentleman who would have had

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[2] *Dict. Amer. Biog.*, XII, 599–600. *Biog. Direc. Amer. Cong.*, p. 1405. *Appleton's Cyclopædia*, IV, 317.

[3] *Dict. Amer. Biog.*, II, 477–478. *Biog. Direc. Amer. Cong.*, p. 615. *Appleton's Cyclopædia*, I, 327–328. Boyd, *Elias Boudinot, passim*, especially pp. 4, 7–8, 15, 22–23, 24–26, 27, 33–66, 68–74, 98, 101, 105, 107–126. Miller, ed., *Treaties*, II, 104.

some familiarity with coats of arms, seals, and the conventions of heraldry. His later service as Director of the United States Mint at Philadelphia, 1795–1805, might suggest some special interest in this general area of knowledge. So far as the records show, he gave more attention to the work of the committee than either of the other two members.

Born in or near Charleston, South Carolina, in September 1739, Rutledge was the eldest son of a physician from northern Ireland who had married a young woman of wealth. Aged forty-two when named to this committee, he was slightly older than the others. Educated at home and in Charleston, Rutledge studied law in the Middle Temple, London, and returned home in 1761 to practice. Elected to legislative office later the same year, he stood staunchly for American interests. Sent to the Stamp Act Congress in New York City in 1765, he headed the committee that drafted the memorial and petition to the House of Lords. He was a member of the South Carolina convention of 1774, a Delegate to Congress in 1774–1776, and a leading member of the committee that framed the South Carolina Constitution of 1776. In 1776–1778 he served as President and commander in chief of South Carolina. Distrusting democracy and dissatisfied with a new liberal State Constitution of 1778, he vetoed it and resigned. But with invasion imminent in January 1779, he was chosen Governor again and took the field. Clothed with dictatorial powers, he tried unsuccessfully to repel the British. When Charleston fell in 1780, he withdrew into North Carolina. With his State partly freed, he resumed his duties as Governor. Forbidden by the Constitution to succeed himself, he left office in January 1782. In 1782–1783 he served again as a Delegate to Congress.[4]

Like Middleton, Rutledge was well qualified by family background, education, and residence abroad to serve on the seal committee. Whether because of lack of interest, unwillingness to serve under a man who had previously been his subordinate, or preoccupation with weightier matters, Rutledge took no part in the committee's work.

Although he was not formally a member of the seal com-

[4] *Dict. Amer. Biog.*, XVI, 258–260. *Biog. Direc. Amer. Cong.*, p. 1646. *Appleton's Cyclopædia*, V, 357–358.

mittee, the records show that Arthur Lee joined in its work in place of Rutledge. Lee was a fourth-generation member of the wealthy and aristocratic Lee family of Virginia. Born at "Stratford", the family seat, in Westmoreland County, December 21, 1740, the youngest of eleven children, he was about the same age as the other members of the committee. Sent abroad for his education, he probably attended Eton. Back in Virginia in 1759, he returned to Britain in 1760, entered the University of Edinburgh in 1761, and received the degree of Doctor of Medicine there in 1764. The next year he toured the Netherlands and France, receiving another degree of Doctor of Medicine at Leiden. Early in 1766 he was in London, where he was elected a Fellow of the Royal Society. Returning to Virginia later that year, he commenced practice in Williamsburg. Politics, however, distracted him from medicine, and he turned to law. Returning to London in 1768, he studied at Lincoln's Inn and the Middle Temple, was admitted to the bar in 1775, and set up a successful practice in the British capital. Meanwhile, his published writings discussing American affairs impressed colonial leaders and gained him an appointment in 1770 as alternative agent of Massachusetts in London. Active on behalf of the American cause, he became an agent of the Committee of Secret Correspondence in 1775. Elected Joint Commissioner with Benjamin Franklin and Silas Deane October 22, 1776, he removed from London to Paris in December. In 1777 he sought assistance for the new nation from Spain and Prussia, all the while feuding with his fellow Commissioners. With them, nevertheless, he signed the treaties of February 1778 with France. Following Franklin's appointment as sole Minister Plenipotentiary to France, Lee remained in Paris until 1780. Returning then to Virginia, he was elected the next year to the House of Delegates and soon afterward to the Continental Congress, where he served until 1784. In 1781 Harvard awarded him an honorary doctorate.[5]

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[5] *Dict. Amer. Biog.*, VI, 593; XI, 96–98. *Biog. Direc. Amer. Cong.*, pp. 1275–1276. *Appleton's Cyclopædia*, III, 666. Potts, *Arthur Lee*, *passim*, especially pp. 6–7, 11, 18–19, 22, 39, 44–45, 49, 53–54, 75, 126–127, 137–139, 169, 186–187, 198, 205, 214–215, 233, 241, 243–244, 248, 252–275, 283–284, 286–295, 303, 313, 327, 347, 351, 372, 375–385, 399, 401, 444–449. For texts of the 1778 treaties signed by Lee and his fellow commissioners, see Miller, ed., *Treaties*, II, 3–29, 35–41, 45–46.

As an educated gentleman of an old and distinguished family, who had spent much of his life in the British Isles and who had traveled widely on the Continent, Lee must have been thoroughly familiar with the use of coats of arms and seals and well versed in the art or science of heraldry. He was perhaps as well qualified as any member of the three committees to design a Great Seal.

Lee seems to have absented himself from Congress from about April 21 until June 27, 1782, for there is no record of his voting within that period. Although he had been granted a leave of absence from Congress early in April to attend the Virginia Assembly, he delayed his departure from Philadelphia.[6] A letter he wrote to James Madison on May 16 shows he was then in Richmond.[7] The *Journals* note on June 27 that he "returned and took his seat".[8] Within this period—specifically, between May 4 and 9—he gave some attention to the work of the seal committee.

Lee must have replaced Rutledge from the very outset, for—as noted in Chapter III—Lovell's memorandum for the use of this committee, which showed what the first and second committees had done and what action Congress had taken on their reports, is addressed on the back in Lovell's handwriting to Middleton, Boudinot, and "Mr Lee".[9]

William Barton, Consultant

Like the two earlier committees, this one sought expert help; and it did so immediately, for only five days passed between its appointment and its report. Charles Thomson, who knew his way around Philadelphia, was probably the one who suggested consulting William Barton. At the time all three members of the committee were under pressure from other tasks and duties as Members of Congress; and the recorded votes in Congress, which show Middleton and Rutledge on opposite sides of various questions, suggest a lack of harmony between the two men.[10] Middleton took little part in the work of the committee, and Rutledge

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[6] Potts, *Arthur Lee*, pp. 402–404.
[7] Hoffman, ed., *Lee Family Papers*, roll 7, folios 222–223.
[8] *Journals*, XXII, 354.
[9] Papers Cont. Cong., item 23, folio 124.
[10] *Journals*, XXII, 237, 249, 251, 252, 294, 295, 299, 300.

none. According to Barton's later recollections, it was not the three members of the committee who applied to him for assistance, but Thomson, Lee, and Boudinot. On this point, Barton left among his papers the following signed memorandum dated June 24, 1782:

> In June [*May*] 1782, when Congress were about to form an armorial device for a great seal for the United States, Charles Thomson, Esq. then Secretary, with the Hon. Dr. Arthur Lee and Elias Boudinot, members of Congress, called on me and consulted me on the occasion. The Great Seal, for which I furnished those gentlemen with devices, (*as certified by Chas. Thomson, Esq.*) was adopted by Congress on the 20th of June 1782. Mr. Thomson informed me, four days after, that they met with *general approbation*.[11]

William Barton, just past his twenty-eighth birthday at this time, was a native Philadelphian, born April 11, 1754, the eldest of ten children of the Reverend Thomas Barton by his wife, Esther Rittenhouse.[12] His mother was a sister of David Rittenhouse (1732–1796),[13] instrument maker, astronomer, mathematician, and first Director of the United States Mint at Philadelphia, and a great-granddaughter of William Rittenhouse (1644–1708),[14] Mennonite minister and pioneer paper maker, who had come to America in 1688.

The Bartons, both before and after William, have been an accomplished and distinguished family.[15] Barton's father was born in the Castle of Carrickmacross, County Monaghan, Ulster, Ireland, in 1728, son of William Barton and his wife, Susanna Bashford, and grandson of Captain William Barton of Carrickmacross, who had served in the Irish Parliament as a knight of

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[11] Mass. Hist. Society, *Proceedings*, 1st series, IX, 351–352, Sept. 1866.

[12] Except as otherwise indicated, the following sketch of William Barton and his family is based on the researches of Dr. Milton Rubincam, of Washington, D.C., particularly his articles, "Barton Pedigree" and "William Barton". A brief biographical sketch of Barton is in Harris, *Biographical History*, pp. 38–39. Concerning the Rev. Thomas Barton, see Hunter, "Thomas Barton and the Forbes Expedition", pp. 431–483; Barton, *David Rittenhouse, passim;* Mombert, *History of Lancaster County*, pp. 387–389; Harris, *Biographical History*, pp. 30–38; Prowell, *History of York County*, I, 457–458; Leach, "Old Philadelphia Families, CXXXIII, Barton", p. 6.

[13] For a biographical sketch, see *Dict. Amer. Biog.*, XV, 630–632.

[14] For a biographical sketch, see *ibid.*, pp. 632–633.

[15] Besides two of his sons, noted below, one of William Barton's brothers, Benjamin Smith Barton (1766–1815), one of his nephews, Thomas Pennant Barton (1803–1869), and one of his grandnephews, Robert Thomas Barton (1842–1917), are represented in *Dict. Amer. Biog.* (II, 17–18, 22, 23–24).

the Shire of Monaghan. Captain William's coat of arms is described as "showing three bears' heads couped, with a bear's head for crest". Of English origin, the family had settled in northern Ireland, where it had large grants of land, in the mid-1600's.

By the age of twenty, when his mother died, William Barton had acquired a good classical education. He must have been reasonably well off financially, for the next year, 1775, he went to England, perhaps to study law, which he had chosen as his profession.[16] Although devoted to the American cause, he remained in England until 1778. In London in that year he met Isaac Heard,[17] an officer of the College of Arms and later Garter King of Arms, who had married an American and had become interested in collecting pedigrees of American families. At Heard's suggestion, Barton recorded with the College of Arms what he knew of his father's family. Perhaps it was at this time and under Heard's guidance that he acquired the knowledge of heraldry that was to serve him well later. Leaving England for the Continent, he visited relatives of his mother's in Amsterdam, and early in 1779 he returned home.

On July 14, 1779, the Supreme Executive Council appointed Barton an agent of the Loan Office for Lancaster County. Later that year his uncle, David Rittenhouse, tried unsuccessfully to have him named secretary to the appointed Commissioner to the United Netherlands.

In October 1779 Barton was admitted to the bar of the Pennsylvania Supreme Court, and in March 1781 to the Philadelphia bar.

No evidence has been found that Barton saw any military service in the Revolutionary War. The assertion that he was a private in Captain Martin Shetter's Company of Associators in 1782 [18] confuses him with some other William Barton. His name is not in the *DAR Patriot Index*.

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[16] Anne Hollingsworth Wharton relates that William Barton received lessons in drawing and painting from Maj. John André, British officer captured Nov. 3, 1775, and held prisoner at Lancaster (*In Old Pennsylvania Towns*, pp. 51–52); but actually Barton was in England at the time (Rubincam, "William Barton", p. 182).

[17] For a biographical sketch, see *Dict. Natl. Biog.*, XXV, 334.

[18] Leach, "Old Philadelphia Families, CXXXIII, Barton", p. 6, citing *Pennsylvania Archives*, 2d series, XIV, 787–788.

On June 14, 1781, Barton married Elizabeth, daughter of John Rhea, a Philadelphia merchant. The Bartons had nine children, including William Paul Crillon (1786–1856), botanist, teacher, and naval surgeon, and John Rhea (1794–1871), surgeon.[19]

In Philadelphia in 1781 Barton saw his first publication come off the press. This was a forty-page pamphlet entitled, in part, *Observations on the Nature and Use of Paper-Credit; and the Peculiar Advantages to Be Derived from It, in North-America*, which included "proposals for founding a national bank".[20]

Whether in recognition of this publication or for other reasons, in 1781 Barton received an honorary degree of Master of Arts from the University of Pennsylvania; and in 1785 he received a similar degree from the College of New Jersey (now Princeton).[21]

On May 4, 1782, or no later than the day after, Barton had three distinguished callers, Thomson, Lee, and Boudinot. They asked him to prepare a design for a Great Seal for the United States, to be submitted to Congress for approval. Barton agreed to do so and set to work immediately. Because Barton, although a principal character in this story, is less well known than some of the others, a digression here seems appropriate, to provide an account of the rest of his life, before reporting his role in the designing of the seal.

Barton's law practice evidently allowed him time for writing on other subjects, and his interest in money and banking reasserted itself in 1786 in a pamphlet of thirty-one pages entitled, in part, *The True Interest of the United States, and Particularly of Pennsylvania, Considered; with Respect to the Advantages Resulting from a State Paper-Money: with Some Observations on the Subject of a Bank.*

Perhaps Barton's work on the design for the Great Seal revived his earlier interest in heraldry. At any rate, about this time he wrote a short treatise on the subject, a manuscript copy of which he sent to Washington with a letter dated August 28,

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[19] For biographical sketches, see *Dict. Amer. Biog.*, II, 21–22, 25–26.

[20] For a list of Barton's publications, which gives their full titles and mentions two unpublished writings, see *National Union Catalog, Pre-1956 Imprints*, XXXVIII, 67.

[21] University of Pennsylvania, *Biographical Catalogue, 1749–1893*, p. 519. Princeton University, *General Catalogue, 1746–1906*, p. 401.

Meredith College Library
Raleigh, N. C.

1788. In that letter he included the statement, "When very young, I made myself acquainted with this science"—that is, heraldry. On September 7, 1788, from Mount Vernon, Washington made a courteous reply.[22] What he wrote, however, was of a character to discourage publication. The treatise was not published, and the manuscript seems not to have survived. There has been preserved, however, a later paper in Barton's handwriting entitled "Observations on the Advantages to be derived from a proper use of Coats of Arms, in the United States". This paper was in effect a prospectus to announce the establishment in Philadelphia, with Barton as founder and proprietor, of "The American Heraldic Institution; or, Office for recording historical and genealogical Accounts of American Families; and for examining, adjusting, registering, and also for duly certifying, the Armorial Ensigns to which such Families may be severally entitled". It was Barton's idea that after fourteen years—during which the proprietor would presumably make a living from the reasonable fees to be charged—the records of this project (which never materialized) would "become the property of the American Public" and be deposited with the Library Company of Philadelphia.[23]

In 1789 President Washington offered Barton one of the judgeships of the Western Territory, but Barton declined.[24]

Elected a member of the American Philosophical Society in January 1787, Barton began a long association with that learned organization. He served as its councilor about 1790–1793 and as one of the secretaries about 1794–1797. In 1791 he read a paper before the Society that was subsequently printed in its *Transactions* and also separately as a pamphlet of thirty-eight pages under the title, *Observations on the Progress of Population, and the Probabilities of the Duration of Human Life, in the United States of America*. Two other papers that he communicated to the Society, one on David Rittenhouse (1812), who had served as

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[22] Washington, *Writings* (Fitzpatrick, ed.), XXX, 87–89.

[23] Manuscript (undated, but including quotations from Washington's 1788 letter to Barton), Misc. Ms. Collection, American Philosophical Society, Philadelphia. See particularly pp. 10–12 of this paper.

[24] U.S. Senate, *Executive Journal*, I, 18, 25. Barton was nominated and confirmed for this post (in what is now called the Northwest Territory) before he declined the appointment.

president of the Society, and one on Copernicus (1813), are among its manuscripts. Barton was a member also of the Massachusetts Historical Society and the Royal Economical Society of Valencia, Spain.

The 1790 census lists Barton as an attorney living in the "Middle District" of Philadelphia, with a household consisting of one other free white male over sixteen and one under sixteen, seven free white females, and one other free person.[25] In that year Barton applied unsuccessfully for the position of Deputy Secretary of the Treasury and for the post Roger Alden had vacated in the Department of State. His letter of August 7, 1790, to Thomas Jefferson refers to himself as being situated "with a pretty numerous family, and having a small as well as precarious income".[26] Early in March 1792, Barton wrote that, if a new position as Deputy or Assistant Secretary of State were created, he had "some expectation of obtaining that appointment from M[r] Jefferson",[27] but the new post was not established, and within the next six weeks he applied successively for the Chief Clerkship of the Department of State and the Treasurership of the Mint. Unsuccessful in these efforts, Barton became for a time principal clerk in the office of the Commissioner of Revenue.[28]

Philadelphia city directories indicate that Barton moved his residence frequently. In 1791 he is listed as attorney at law, 112 High (or Market) Street. The 1793 and 1794 directories do not include his name. In 1795 he is listed as counselor at law, 36 North 5th Street. In 1796 he is listed as attorney at law, 223 Arch Street, and in 1797 as counselor at law at the same address.[29]

In 1798 or 1799 Barton and his family moved from Philadelphia to the borough of Lancaster, where he had lived as a boy.

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[25] U.S. Bureau of the Census, *Heads of Families, 1790: Pennsylvania*, p. 226.

[26] Jefferson, *Papers* (Boyd, ed.), XVII, 347–348, 350*n*. Concerning Alden, see Chapter VII, p. 150. Regarding another effort made on behalf of Barton in 1790, see D.S., Applications and Recommendations (in a box of miscellaneous applications prior to the Adams administration), R.G. 59, entry 331, N.A.

[27] Letter from Barton to Representative Theodore Sedgwick, of Mass., Mar. 8, 1792. Theodore Sedgwick Papers, Mass. Hist. Society, Boston.

[28] Letters from Barton to Jefferson, Mar. 19 and Apr. 18, 1792. Applications for Office, series 7, II, 82–83 (folios 254–257), George Washington Papers, Ms. Div., L.C. Jefferson, *Papers* (Boyd, ed.), XVII, 350*n*.

[29] *Philadelphia Directory*, 1791, p. 7. Hardie, *Philadelphia Directory*, 1793, 1794. *Philadelphia Directory*, 1795, p. 8. *Stephens's Philadelphia Directory*, 1796, p. 11. *Philadelphia Directory*, 1797, p. 23.

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In the census of 1800 he is listed among the residents of that borough with a household consisting of two free white males under ten years of age; one male between ten and fifteen; one male of forty-five or above (Barton himself); two females under ten; two females between sixteen and twenty-five; one female between twenty-six and forty-five (Mrs. Barton); and two other free persons.[20]

In 1800 Barton was appointed county prothonotary, serving until 1809. He held other local offices as well: clerk of the Orphans' Court, 1803–1809; justice of the peace, commissioned October 20, 1808, and May 17, 1811; and auditor in 1810.[21] In 1809 he was admitted to the Lancaster County bar.[22]

From Lancaster Barton made futile efforts, over a period of sixteen years, to obtain what he considered a suitable position in the Federal bureaucracy. Just before Jefferson's inauguration as President in March 1801, Barton asked a friend to act as intermediary and to approach the new Chief Executive with regard to the post of Supervisor of the Revenue for Pennsylvania; and in May of the same year Barton wrote directly to Jefferson, not asking for an immediate appointment or any particular post, but obviously with Federal employment in mind. His next two applications to Jefferson, however, were specific: he asked to be appointed Postmaster General in September 1801 and Comptroller of the Treasury in the following year. In 1814, while James Monroe was Secretary of State, Barton applied to him for a position in the customs at Philadelphia, and in February 1817, when Monroe was President-elect, Barton asked for a commissionership in Philadelphia to administer new bankruptcy legislation if it were passed by Congress.[23] None of these applications led to an appointment.

In 1802 Barton published a tome of 339 pages plus an appendix entitled, in part, *A Dissertation on the Freedom of Navigation and*

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[20] U.S. Bureau of the Census, Second Census, 1800, Pa., vol. 5, Lancaster County, folio 30.

[21] Harris, *Biographical History*, p. 39. Ellis and Evans, *History of Lancaster County*, pp. 215, 217, 375.

[22] Klein, ed., *Lancaster County*, II, 896.

[23] Letters from Barton to John Beckley, Mar. 2, 1801; to Jefferson, May 26 and Sept. 22, 1801, and Nov. 3, 1802; to Monroe, Aug. 22, 1814, and Feb. 4, 1817. D.S., Applications and Recommendations, R.G. 59, N.A.

Maritime Commerce, and Such Rights of States, Relative Thereto, as Are Founded on the Law of Nations: Adapted More Particularly to the United States. This book he dedicated to Thomas Jefferson. In 1804 he published a short pamphlet with the comparatively brief title, *The Constitutionalist: Addressed to Men of All Parties in the United States*. Having for many years collected material for a biography of David Rittenhouse, whom he much admired, Barton published this work in the latter part of 1813 under another lengthy title, the first part of which is *Memoirs of the Life of David Rittenhouse, LLD., F.R.S.*

While he was seeing this biography of his uncle through the press, he was planning a large and ambitious work. In 1814 he issued a fifteen-page prospectus of it under a title the first part of which reads, *Select American Biography; or, An Account of the Lives of Persons, Connected by Nativity, or Otherwise, with the History of North America, since the First Discovery of the Country*. The proposal was to publish three volumes a year, one every four months, at $4.50 a volume; persons subscribing to seven volumes would be entitled to eight; and publication was expected to begin in the fall of 1814.

But nothing came of this project, and Barton's own time was running out. He died in the borough of Lancaster about 10 o'clock in the evening of Tuesday, October 21, 1817. The brief obituary notice referred to him as "a gentleman who was much respected, and whose death will be deeply lamented by his family and friends and those who had an opportunity of being acquainted with him".[34] The fact that he died intestate suggests death came suddenly. His widow survived him; and his oldest son, William P. C. Barton, administered the estate.[35]

A portrait of Barton is reproduced as illustration 10.

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[34] *Lancaster Journal*, Oct. 22, 1817; copied in *Poulson's Advertiser*, Oct. 25, 1817, and *United States Gazette* (Philadelphia), Oct. 28, 1817.

[35] A check of the Lancaster County will and intestate indexes for 1817 discloses no mention of William Barton. Letter to Miss Alma Stevens, Philadelphia, Aug. 21, 1974, from Miss Carol A. Longabaugh, Assistant Clerk, Orphans' Court Division, Lancaster County Office of the Register of Wills and Clerk of Orphans' Court, Lancaster, Pa. For the convenience of the family it was arranged for the letters of administration to be taken out in Philadelphia. Philadelphia Will and Administration Records, City Hall Annex, Juniper and Filbert Streets, Philadelphia, 1817 File 298, William Barton Administration, Book M, p. 64.

Barton's First Design

As noted above, Barton set to work on a design for the committee on May 4 or 5, 1782. Thanks to James Lovell, chairman of the second committee, he had before him the report of the first committee and the report and drawings of the second committee, including Lovell's memorandum, already mentioned, endorsed "Proceedings respect[g] a Seal of the United States", which he had addressed to Middleton, Boudinot, and Lee. Barton soon afterward presented to the committee—or more probably to the three just named—a blazon, or written description in heraldic terms, of a highly complicated seal device, to which he appended an explanation of its symbolism. No drawing accompanied this blazon. The paper, which is undated, is wholly in Barton's handwriting. It shows evidence of hasty preparation, including numerous deletions and interlineations. Some of these changes were intended to express the elements of the blazon in correct heraldic terms: "base" replaced "bottom"; "colours" became "tinctures"; "gold" was changed to *or*, "silver" to *argent*, and "blue" to *azure*. The blazon used other heraldic tinctures also: *gules* (red) and *vert* (green).

The central element of Barton's first design—the shield (which he headed "Arms")—had thirteen white and red stripes (pieces) arranged horizontally (barry), with one corner (the canton) showing thirteen white stars, arranged in a circle, on a blue background. Cutting through this design from top to bottom in the center was a wide vertical stripe (pale) in gold (*or*), largely obscured by having superimposed upon it a somewhat narrower stripe in blue (the third tincture mentioned in the blazon). At the top (in chief) of this narrower stripe was an eye surrounded by a "glory" (rays of light) "proper" (in natural colors—in this case, the gold of a halo). In the middle of the stripe from top to bottom (the fess-point) was a white eagle displayed (with its wings spread) on the top of a white Doric column which rested on the base of the shield.

Above the shield or escutcheon was a golden helmet, with a grating of six bars to protect the face of the hypothetical knight wearing it. Although Barton's first blazon said nothing of the position of this helmet, his own drawing (illustration 8) for

his revised blazon (discussed in the next section of this chapter) showed the helmet *affrontée* or full-faced. According to a work on heraldry with which Barton was familiar, "This kind of Helmet is proper to Persons exercising Sovereign Power over their Subjects and Inferiours, as Emperours, Monarchs, Kings, Princes, and Dukes, and such as do by an absolute Jurisdiction manage the Government of free States or Countries".[36] Barton, as shown in his explanation printed below, was trying to portray heraldically the complete sovereignty of the United States.

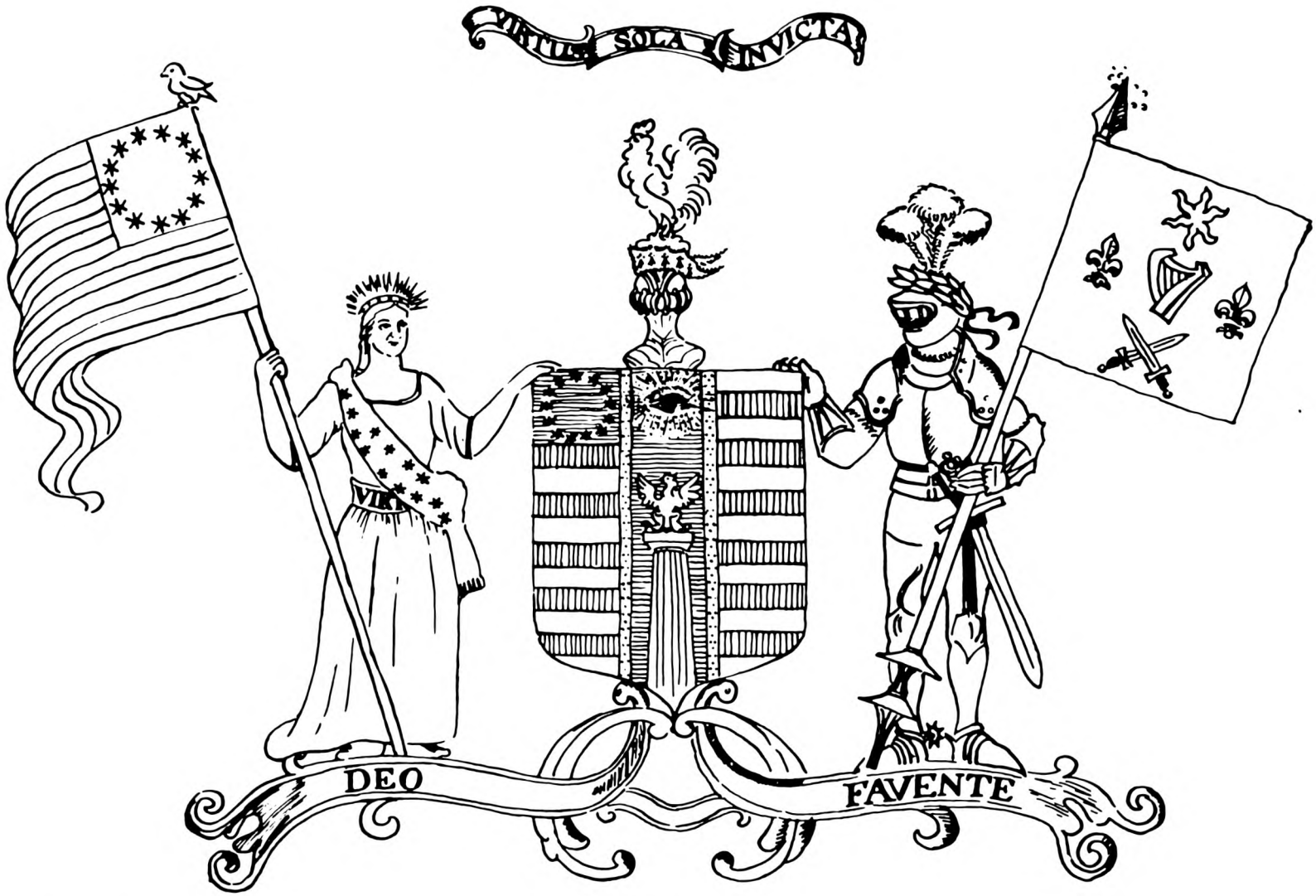
At either side of the shield were figures (supporters) whose function it was to hold up or support the escutcheon. The dexter supporter—the one to the viewer's left but identified by its position to the right (*dexter*) of the imaginary individual holding the shield from behind—was a crowned maiden representing the Genius of America, with a scarf on which stars were scattered (*semé*). The supporter on the other side (the sinister supporter) was a man in armor, holding in his left hand a lance, with a bloody point, to which was fastened a green banner with a gold harp in the middle (fess-point), surrounded by a white star at the top (chief), two white fleurs-de-lis at the sides in the middle (in fess), and two white swords crossed (in saltier) at the bottom (in base).

Two mottoes (explained later in this chapter) were provided, both on scrolls: *Virtus sola invicta* above the crest, and *Deo favente* beneath the shield, with the supporters standing on the lower scroll. (For a full glossary of the heraldic terms used here and throughout this book, see pages 572–577.)

The following text reproduces Barton's handwritten original of this blazon as literally and exactly as is practicable in print, with canceled type showing deletions, italics indicating underscoring, and bracketed reference letters and special notes showing insertions:

---

[36] Guillim, *Display of Heraldry*, p. 442. Cf. the following quotations from Pyron du Martre, *Elements of Heraldry*, pp. 174–175: ". . . the Helmets of Sovereigns were of burnished *gold* . . . those of the King, the Royal Family, and Noblemen of Great Britain are *open'd-faced* and *grated* . . . The grated Helmet *in front* belongs to sovereign Princes and Dukes." Concerning Barton's familiarity with the works of Guillim and Pyron du Martre, see footnote 38, *infra*.



7. Third Committee, 1782: The Connor Realization (1976) of Barton's First Proposal



8. Third Committee, 1782: Barton's Drawing of His Second Proposal

A Device for an *Armorial Atchievement*, for the Great Seal of the United States of America, in Congress assembled; ~~blazoned~~[a] agreeable to the Rules of Heraldry:—proposed by William Barton, A.M.

Arms.

Barry of thirteen Pieces, Argent & ~~Azure,~~ Gules; on a Canton, Azure, as many Stars disposed in a Circle, of the first: a Pale, Or, surmounted of another, of the third; charged, in Chief, with an Eye surrounded with a Glory, proper; and, in the Fess-point, an Eagle displayed, on the Summit of a Doric Column which rests on the ~~Bottom~~ Base[b] of the Escutcheon, both as the Stars.

Crest.

On an Helmet of burnished Gold damasked, grated with six Bars, and surmounted of a Cap of Dignity, Gules, turned up Ermine, a Cock armed with Gaffs, proper.

Supporters.

On the dexter Side: The Genius of America (represented by a Maiden with loose Auburn Tresses, having on her Head a radiated Crown, Of Gold,[c] encircled with a Sky-blue Fillet spangled with Silver Stars; and clothed in a long loose, white Garment, bordered with Green: from her right Shoulder to her left Side, a Scarf semé of Stars, the ~~Colours~~ Tinctures[d] thereof the same as in the Canton; and round her Waist a purple Girdle fringed ~~with Gold~~ or; [e] embroidered, ~~in Silver~~ Argent,[f] with the Word "Virtue":)—resting her interior Hand on the Escutcheon; and holding in the other the proper ~~Flag~~ *Standard of the United States*, having a Dove, argent, perched on the Top of it.

On the sinister side: a Man in complete Armour; his Sword-belt, ~~blue~~ Azure,[g] fringed with Gold; his Helmet encircled with a Wreath of Laurel; and crested with one white & two blue Plumes: supporting with his dexter Hand the Escutcheon, and holding, in the exterior, a Lance with the Point sanguinated; and upon it a Banner displayed, Vert,—in the Fess-point an Harp, or, stringed with[h] Silver, between a Star in Chief, two Fleurs-de-lis in Fess, and a pair of Swords ~~crossing~~ in Saltier, in Base, all Argent. The Tenants of the Escutcheon stand on a Scroll, on which is the following Motto—

"Deo favente"—

which alludes to the *Eye* in the Arms, meant for the Eye of Providence.

Over the Crest, in a Scroll, this Motto—

"Virtus sola invicta"—

which requires no Comment.[37]

[37] Papers Cont. Cong., item 23, folios 137–139.

[a] The word "blazoned" is inserted and deleted.
[b] The word "Base" is inserted with a caret.
[c] The word "Gold" is inserted with a caret.
[d] The word "Tinctures" is inserted with a caret.
[e] The word "or" is inserted with a caret.
[f] The word "Argent" is inserted with a caret.
[g] The word "Azure" is inserted with a caret.
[h] The word "with" is inserted with a caret.

For an artist's realization of the above-quoted blazon, prepared especially for this volume, see illustration 7. The artist's efforts to follow Barton's own style of drawing are described in the descriptive list of illustrations, page xxi.

Accompanying the blazon was the following explanation, signed by Barton and also in his handwriting:

> The thirteen pieces, barways, which fill up the Field of the Arms, may represent the several States; and the same Number of Stars upon a blue Canton, disposed in a Circle, represent a new Constellation, which alludes to the new Empire, formed in the World by the Confœderation of those States— Their Disposition, in the form of a Circle, denotes the Perpetuity of it's Continuance, the Ring being the Symbol of Eternity. The Eagle displayed is the Symbol of supreme Power & Authority, and signifies the Congress; the Pillar, upon which it rests, is used as the Hieroglyphic of Fortitude & Constancy; and, it's being of the Doric Order, (which is the best proportioned & most agreeable to Nature,) &[a] composed of several Members or parts, all, taken together, forming a beautiful ~~Assemblage~~ Composition[b] of Strength, Congruity & Usefulness, it[c] may with great propriety ~~be used to denote~~ signify a well planned Government. The Eagle, ~~resting~~ being placed[d] on the Summit of the Column, is emblematical of the Sovereignty of the Government of the United States; and, as further expressive of that Idea, those two Charges or Figures are borne on a Pale, which extends across the thirteen pieces into which the Escutcheon is divided— The Signification of the Eye has been already explained.
>
> The Helmet is such as appertains to Sovereignty; and the Cap is used as the Token of Freedom & Excellency: It was formerly worn by Dukes, because[e], says Guillim,[38] ~~because~~ "*they Had a more worthy Govern-*

[38] The reference is to *A Display of Heraldry* by John Guillim, and presumably to the 6th edition of that work, published in 1724. A copy of that edition was in the collections of the Library Company of Philadelphia. Barton was not a member of the Library Company, but Thomson was, and in any case books belonging to the Company were available to all Delegates to the Continental Congress and (on a non-circulating basis) to citizens of Philadelphia. Library Company of Philadelphia, *Charter, Laws, and Catalogue*, 1770, folio books under *H*; *Catalogue*, 1789, p. 258; *Catalogue*, 1741 (facsimile), p. v. Wolf, "*At the Instance of Benjamin*

(Footnote continued on next page)

ment than other Subjects".—The Cock is distinguished for two most excellent Qualities, Necessary in a free Country, viz *Vigilance* & *Fortitude*.

The Genius of the American confœderated Republic is denoted by her blue Scarf & Fillet, glittering with Stars, and by the Flag of Congress which she displays.[f] Her Dress is white edged with Green; ~~as descriptiv~~ Colours[g] emblematical of Innocence and Youth. Her *purple* Girdle & radiated *Crown* indicate her Sovereignty: the Word "*Virtue*" on the former is to[h] show, that *that* should be her principal Ornament; and the *radiated* Crown, that no *Earthly* Crown shall rule her.—The Dove on the Top of the American Standard denotes the Mildness & Lenity of her Government.

The Knight in Armour with his bloody Lance represents ~~American~~[i] the Military ~~Character~~ Genius[j] of the[k] American Empire, armed in Defence of it's just Rights. His *blue* Belt & *blue*[l] Feathers indicate his Country, & the *white* Plume is in Compliment to ~~his~~ our[m] gallant Ally. The Wreath of Laurel round his Helmet is expressive of his Success. The *Green* Field of the Banner denotes Youth and Vigor; the Harp ~~with thirteen Strings,~~ is emblematical of the several States acting in Harmony & Concert; the Star, *in Chief*, has Reference to America, *as principal* in the Contest; [n] ~~and~~ the two Fess Fleurs-de-lis ~~to France as~~ are borne as a[o] grateful *Testimony of the *Support* given to her by France; and the two Swords, crossing each other, signify a State of War. This Tenant & his Flag relate, totally, to America at the Time of her *Revolution*.

[a] The ampersand is inserted with a caret.
[b] The word "Composition" is inserted with a caret.
[c] The word "it" is inserted with a caret.

(Footnote continued from preceding page)
Franklin", pp. 12–13. Letter from Miss Marie E. Korey, Library Company of Philadelphia, to Fredrick Aandahl, Historical Office, Dept. of State, Sept. 8, 1976, in the files of the Office of the Historian, D.S. The Library Company also had a copy of Spener's *Historia insignium illustrium* (see Chapter VI, p. 94); and Barton may have had access to Du Simitière's small private collection of books on heraldry, listed in Library Company of Philadelphia, *Descriptive Catalogue*, p. 139. In addition, Barton apparently owned *The Elements of Heraldry* by Antoine Pyron du Martre, whose pseudonym was Mark Anthony Porny. See a letter from Thomson to Barton, June 24, 1782: "I am much obliged for the perusal of the *Elements of Heraldry*, which I now return." Copy, in Barton's handwriting, of a portion of Thomson's letter, dated only 1782, included in Barton's manuscript cited in footnote 23, *supra*. The relevant footnote in that manuscript, also in Barton's handwriting, identifies the *Elements of Heraldry* returned by Thomson as an "excellent elementary work, under that title; by M. A. Porny, of Eton in England". Printed copies of Thomson's letter, while providing its full text and exact date, do not italicize the title or include Barton's footnote. Mass. Hist. Society, *Proceedings*, 1st series, IX, 351, Sept. 1866. Burnett, ed., *Letters*, VI, 374. The *National Union Catalog, Pre-1956 Imprints*, CCCCLXXVI, 249, lists a copy of the 1st (1765) edition of Pyron du Martre's book that "came from a descendant of Barton". That edition is therefore cited throughout this volume on the assumption that it was the particular edition with which Barton and Thomson were familiar.

[d] The words "being placed" are inserted with a caret.

[e] The word "because" is inserted with a caret, preceded by the first of a pair of quotation marks.

[f] The words "and by the Flag of Congress which she displays" are inserted with a caret.

[g] The word "Colours" is inserted with a caret.

[h] The words "is to" are inserted with a caret.

[i] The word "American" is inserted and deleted.

[j] The word "Genius" is inserted with a caret.

[k] The word "the" is inserted with a caret.

[l] The word "*blue*" is inserted with a caret.

[m] The word "our" is inserted with a caret.

[n] The words "in the Contest" are inserted with a caret.

[o] The article "a" is inserted with a caret.

Barton appended the following note to the last paragraph quoted above—its placement indicated here by an asterisk—to explain the two fleurs-de-lis on the banner held by the sinister supporter:

> * In the Arms of Scotland, as marshalled in the Royal Atchievement, the double Tressure which surrounds the Lion is borne *flory* and *counter-flory* (with Fleurs-de-lis); which is in Consequence of a Treaty that was entered into, between Charlemagne, then Emperor & King of France, and Achaius King of Scotland; to denote that the French Lillies should guard & defend the Scottish Lion.[39]

Barton's first design was largely a departure from previous proposals. He seems, however, to have borrowed from Du Simitière's design (1) the "Eye surrounded with a Glory" that he included in his arms, and (2) the harp and fleurs-de-lis that he placed on the banner held by his second supporter. Barton appears less influenced by Hopkinson's design than by the American flag, which was obviously the source for his thirteen horizontal white and red stripes and blue canton with its circle of thirteen stars. He may, though, have borrowed from Hopkinson (who may have borrowed them from Du Simitière) the two supporters for his shield, namely, the female figure, which he renamed "the Genius of America" and placed on the dexter side, and the military figure, though in different dress, which he placed on the sinister side. Possibly the slip of paper in Houston's handwriting, mentioned in Chapter III, which proposed the figure of Liberty in a flowing dress leaning on a column, suggested the Doric column on Barton's shield. It may be noted that the design lacks a reverse.

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[39] Papers Cont. Cong., item 23, folios 139–142.

Barton's first design is important because in it the "Eagle displayed" (the central element of the final seal design) appeared for the first time in a proposal for the Great Seal device. Barton's design was far too complex for purposes of a seal, however, and Barton proceeded to try his hand again.

Barton's Second Design

Barton's second attempt, which includes with rearrangement many of the elements of the first, is almost equally complicated. To it he added a reverse. His explanation of the symbolism is shorter, but by reference ("The other parts have been explained") he incorporated the relevant portions of the explanation accompanying his first design. The whole paper, including the address, is in Barton's handwriting. To illustrate the blazon, he supplied a drawing in color (illustration 8).[40] Neither is dated. He addressed this second design to "The Honble Elias Boudinot Esqr & Arthur Lee Esqr— In Congress—".

Barton retained in the arms the thirteen horizontal white and red stripes, but replaced the blue canton bearing a circle of thirteen stars with a blue border so charged—reminiscent of Du Simitière's border bearing thirteen small shields. Transferring the eagle displayed to the crest, where it replaced the cock, he filled its previous position in the arms with a phoenix. Although he retained the female figure as the dexter supporter, he changed the sinister supporter from a man in armor to an American soldier in Continental uniform.

The reverse consisted of a golden pyramid of thirteen steps topped with "an Eye, surrounded with a Glory, proper", and accompanied by the motto *Deo favente* and the word *Perennis* as an exergue (the date or expression which appears at the bottom of the design—usually on the reverse—of a coin, medal, or seal). The eye surrounded with a glory is Barton's adaptation of the

[40] Barton's drawing, formerly in Papers Cont. Cong., item 23, folio 117, has been removed for exhibition purposes. The second Barton design is printed in black and white in this volume (illustration 8) so that it can be compared easily with the realization, on a facing page, of his first design (illustration 7). A color reproduction, issued as a National Archives postcard, is now out of print.

crest of Du Simitière's obverse, which was "the Eye of Providence in a radiant Triangle whose Glory extend over the shield and beyond the Supporters". The stepped pyramid and the exergue *Perennis* were undoubtedly copied from the $50 Continental bill designed by Francis Hopkinson (see illustrations 11 and 12), mentioned in Chapter III. The pyramid, the eye, and the glory carried over into the reverse of the final seal.

Barton's drawing appears to be a reasonably accurate rendering of the blazon, with allowance for fading of the green.

The text of Barton's second blazon is reproduced below. Its heraldic language is explained in the description of his first blazon, above, and in the glossary beginning on page 572. As with previous seal proposals, the following text reproduces the original document as literally and exactly as is practicable in print, with canceled type showing deletions and a bracketed reference letter and a special note showing in this case the one insertion. Italics represent underlining in the original.

Device for an Armorial Atchievement & Reverse of a Great Seal, for the United States of North America: proposed by William Barton, Esq[r] A.M.—

Blazoned according to the Laws of Heraldry.—

Arms.

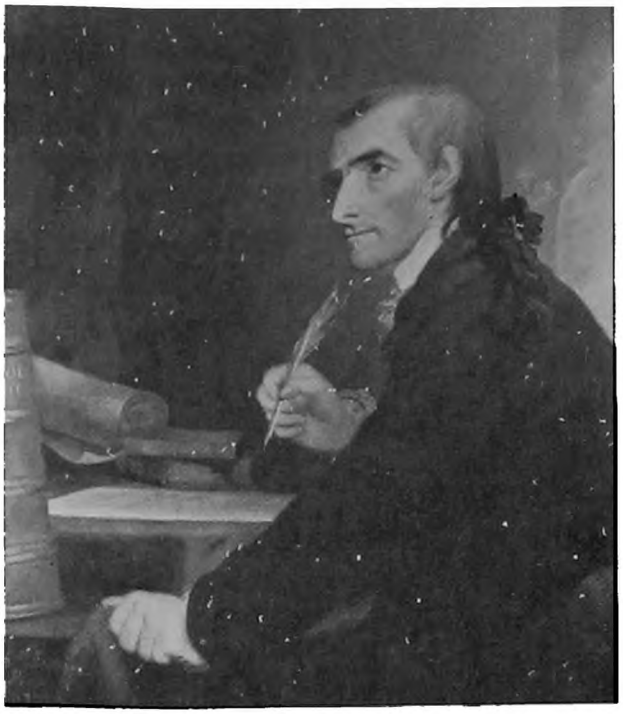
Barry of thirteen pieces, Argent & Gules; on a pale, Or, a Pillar of the Doric Order, Vert, reaching from the Base of the Escutcheon to the Honor point; and, from the Summitt thereof, a Phœnix in Flames with Wings expanded, proper: the whole within a Border, Azure, charged with As many Stars as pieces barways, of the first.

Crest.

On an Helmet of Burnished Gold, damasked, grated with six Bars, a Cap of Liberty, Vert; with an Eagle displayed, Argent, ~~resting~~ thereon: holding in his dexter Talon a Sword, Or, having a Wreath of Laurel suspended from the point; and, in the sinister, the Ensign of the United States, proper.

Supporters.

On the dexter side, the Genius of the American Confœderated Republic: represented by a Maiden, with flowing Auburn Tresses; clad in a long, loose, white Garment, bordered with Green; having a Sky blue Scarf, charged with Stars as in the Arms, reaching across her Waist from her right Shoulder to her left Side; and, on her Head, a *radiated* Crown of Gold, encircled with an Azure Fillet spangled with Silver Stars: round her



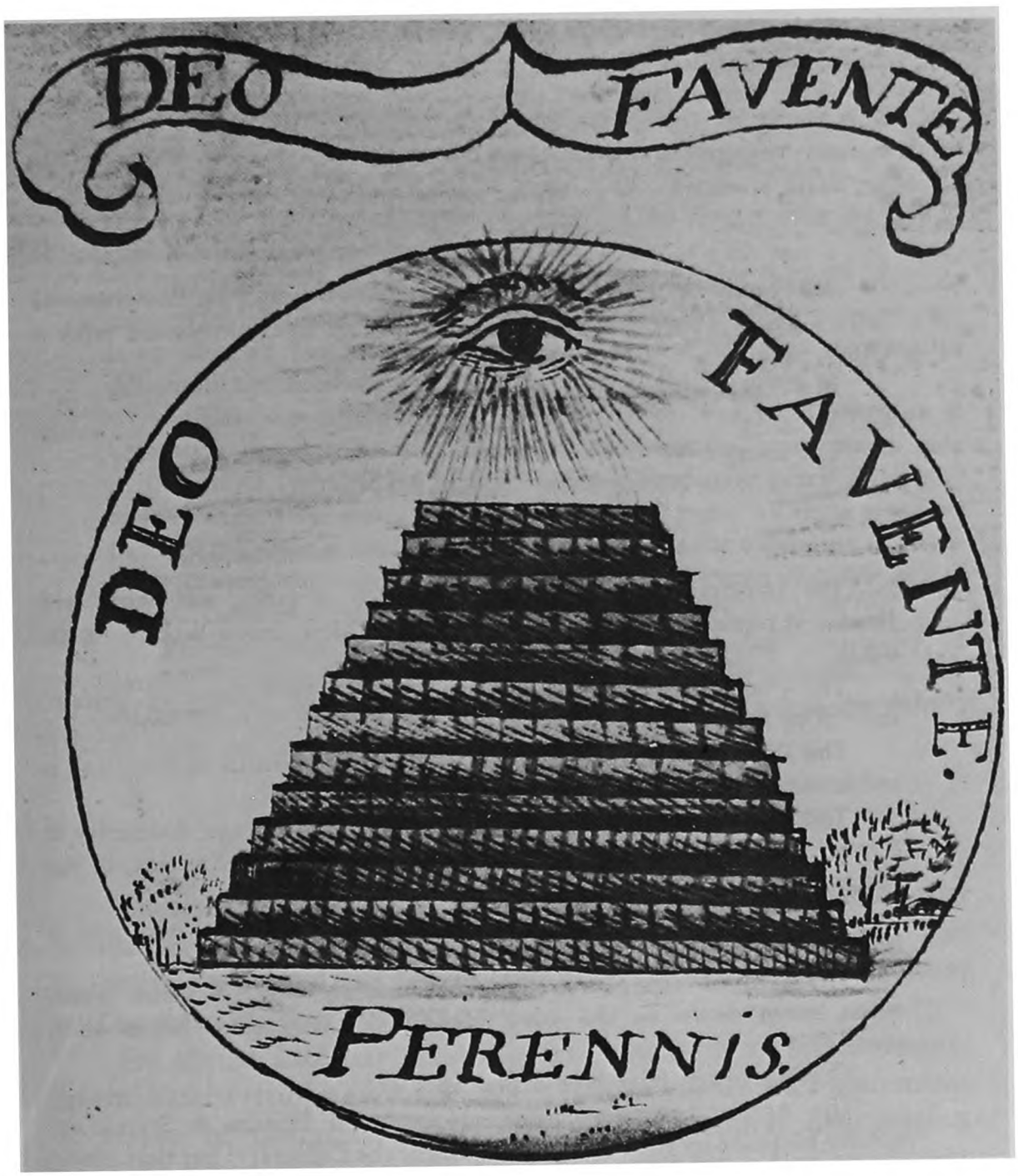
9. Francis Hopkinson



10. William Barton



11. Fifty-Dollar Bill of 1778, Designed by Hopkinson



12. Third Committee, 1782: Barton's Drawing of His Proposal for the Reverse

Waist a purple Girdle, embroidered with the Word "Virtus", in Silver A Dove, proper, perched on her dexter Hand.

On the sinister side, an American Warrior; clad in an uniform Coat, ~~fa~~ of blue faced with Buff, and in his Hat a Cockade of black & white Ribbons: in his left Hand, a Baton Azure, semé of Stars Argent.

Motto, over the Crest—

"*In Vindiciam Libertatis.*"

Motto, under the Arms—

"*Virtus sola invicta*".

Reverse of the Seal.

A Pyramid of thirteen Strata, (or Steps) Or.; ~~and, on the Summit of it a Palm Tree, proper.~~ In the Zenith, an Eye, surrounded with a Glory, proper.

In a Scroll, above—or in the Margin

"*Deo favente.*"

The Exergue—

"*Perennis*".

Remarks.

The Imperial Eagle of Germany (which is sable, and with two Heads) is represented with a Sword in one Talon, and a Sceptre in the other.

The Phœnix is emblematical of the expiring Liberty of Britain, revived by her Descendants, in America.

The Dove (perched on the right Hand of the Genius of America) is emblematical of Innocence and Virtue.

The Sword (held by the Eagle) is the symbol of Courage, Authority & Power. The Flag or Ensign denotes the United States of America, of the Sovereignty[a] of which the Eagle is expressive.

The Pillar is the Hieroglyphic of Constancy & Fortitude; and is likewise emblematical of Beauty, Strength & Order.

The Pyramid signifies Strength & Duration— ~~"The Palm Tree, when burnt down to the very Root, naturally rises fairer than ever"~~—

The other parts have been explained.

The Armorial Atchievements of Sovereign Princes & States are usually blazoned by the Planets, to represent the Colours; [41] but that Mode is purposely deviated from, being condemned by the best Heralds—[42]

[a] The words "of the Sovereignty" are inserted with a caret.

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[41] Pyron du Martre, *Elements of Heraldry*, p. 14, stated that arms were blazoned by metals and colors for gentlemen, esquires, knights, and baronets; by precious stones for barons, viscounts, earls, marquesses, and dukes; and by planets for sovereign princes, kings, and emperors.

[42] Papers Cont. Cong., item 23, folios 181–184.

Barton's Mottoes

The four Latin expressions used by Barton in his two proposals—the first two appeared in both proposals—have been explained as follows:

> *Virtus sola invicta.* This means "Only virtue (or virtue alone) unconquered". Strictly, it could be construed as meaning either "Only virtue, and nothing else, is unconquered", or "Virtue by itself, without the need of any adjunct, is unconquered". The former meaning is presumably the one intended.
>
> *Deo favente.* Literally, this means "God favoring". More freely, the expression could be translated "With God's favor". In form, the expression is an ablative absolute in construction, corresponding to the English grammatical construction in "God favoring, I shall survive".
>
> *In vindiciam libertatis.* This is troublesome. The word *vindiciam* is accusative singular. In classical Latin, however, the word occurs only in the plural (nominative plural, *vindiciae;* accusative plural, *vindicias*) and is a legal term meaning "the assertion of a right". Taking *vindiciam* to mean the same as *vindicias*, we would translate the expression as meaning "Toward the assertion (or, less literally, Toward the defense) of liberty", and even more freely, "In defense of liberty".
>
> *Perennis.* This means "Everlasting" or "Enduring". Literally, it means "Through the years", but, inasmuch as it is an adjective, one might wish to translate it "Existing (or enduring) through the years", to bring out its adjectival character.[43]

The Committee's Report

As already mentioned, Barton made a drawing in color to accompany the above-quoted blazon of his second design. The committee accepted the blazon and drawing and submitted them to Congress as its recommendation.

On the back of Barton's original drawing is an endorsement, in the handwriting (except for the last line) of Charles Thomson, Secretary of Congress, which supplies procedural information not otherwise available. Hunt quotes this endorsement;[44] but it fails to appear in the microfilm edition of the Papers of the Continental Congress.[45] An officer of the National Archives provides the following explanation:

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[43] Gerber, *Latin Mottoes*, p. 2.
[44] Hunt, *History of the Seal*, p. 31.
[45] N.A. Microfilm Publication M247, roll 31.

552-751 O - 78 - 8

Sometime before 1952, when the Papers were transferred to the National Archives, someone had put a cardboard backing on Barton's sketch and had then cut a window in the backing. The window was taped and could scarcely be noticed. This explains why it was not filmed in the microfilm edition.[46]

Line by line, the endorsement reads as follows:

N° 26.— / Report of Mr Midleton / Mr Boudinot / Mr Rutledge / Device of a seal / Ent^d^ May 9. 1782 / June 13.— 1782 / Referred to the Sec^y^ of / the United States in / Congress assembled / to take Order / Passed June 20th 1782

This endorsement indicates that on May 9 the committee reported Barton's second design to Congress and that that body on June 13 placed the whole matter of a device for the Great Seal in the hands of its Secretary, Charles Thomson. The *Journals* record, however, includes nothing on the subject for either May 9 or June 13.[47] Thus ended the work of the third committee.

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[46] Letter to the author, Sept. 17, 1974, from Dr. George C. Chalou, Archivist, Center for the Documentary Study of the American Revolution, National Archives, Washington.

[47] *Journals*, XXII, 250–260, May 9, 1782. *Ibid.*, pp. 327–329, June 13, 1782.

Chapter V

THOMSON AND BARTON COMPLETE THE DESIGN

Although there is nothing in the *Journals* record for June 13, 1782, on the subject, Thomson noted under that date in his "Committee Book" the action whereby Congress referred to him the "Devices for a great seal . . . To take Order".[1] In effect, Thomson was now a committee of one charged with preparing a design for the seal. With the reports, drawings, and other papers of the three committees in front of him, he set about producing a design of his own.

Charles Thomson

At this time, Thomson, teacher, businessman, and politician, was fifty-two and had been serving as Secretary of the Continental Congress for nearly eight years. Except for Franklin, he was the oldest of those who took part in designing the seal. Born in County Derry, Ireland, November 29, 1729, he had arrived at New Castle, Delaware, at the age of ten, one of six orphaned children of John Thomson, who had died on the voyage. An older brother who had previously come to America got him admitted to a seminary in New London, Pennsylvania. There he advanced rapidly and was presently chosen to conduct a private school at New Castle. In 1750, through Benjamin Franklin, he was appointed a tutor in the Philadelphia Academy; and from 1757 to 1760 he was master of a Latin school in Philadelphia. He then turned to mercantile pursuits, at which he evidently prospered. Having established a reputation for fairness, veracity, and integrity, he was chosen by the Indians in 1757 to record for them the proceedings of the Treaty of Easton. A year later the Delawares adopted him into their tribe with a name signifying "man who tells the truth".

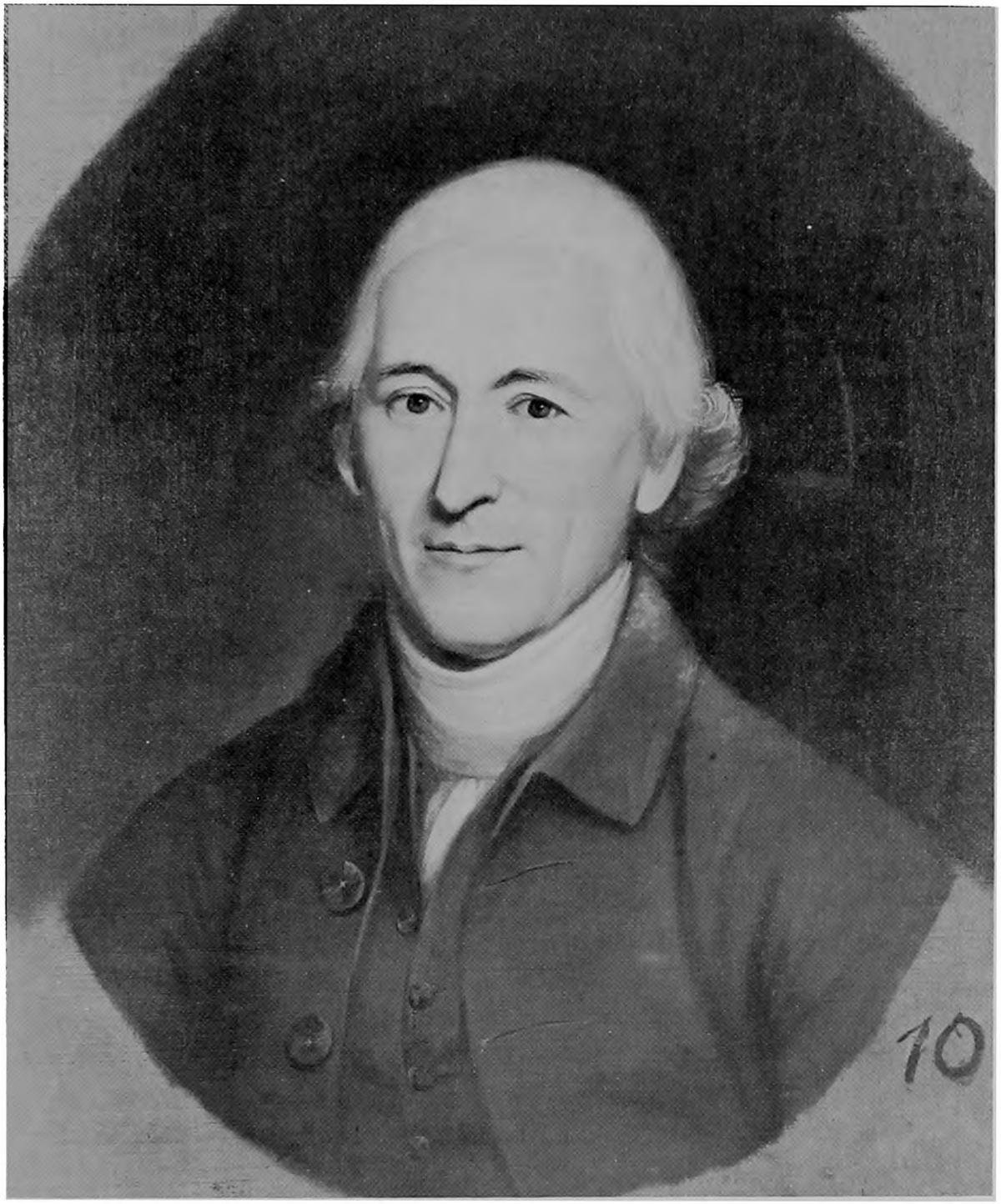
[1] Papers Cont. Cong., item 186, folio 35, R.G. 360, N.A.

Active meanwhile in Pennsylvania politics, Thomson became a vigorous partisan of the Colonies in opposing British measures of repression. His zealous patriotism and astute political maneuverings helped clear the way for the meeting of the First Continental Congress. John Adams' words about him at this time have been much quoted: "This Charles Thomson is the Sam Adams of Philadelphia, the life of the cause of liberty". Despite his radical leanings, he was unanimously elected on September 5, 1774, Secretary of Congress. Following the adjournment in October, he resumed his dynamic role in Pennsylvania politics. In May 1775 Congress reelected him Secretary, and he ably filled that post for a total of nearly fifteen years.

As Secretary, Thomson was eye witness to the birth and struggling first years in the life of the nation. He sat through the sessions of Congress day after day, week after week, and month after month, listening to the proceedings and keeping the minutes, actually taking most of the notes himself. In addition, he kept "special Minutes of all the secret affairs"; he drafted innumerable letters, reports, diplomatic instructions and notes, and other state documents; he accumulated files that presently became the archives of the nation; he supplied information and papers to the Members of Congress on request; he participated in diplomatic receptions and other ceremonials; and on occasion he presided over Congress. In short, he capably turned his hand to any and every task within the province of Congress that needed to be done. His patience, industry, devotion to duty, faith in his country, and the high quality of his performance benefited Congress and the nation then and have evoked the gratitude of historians ever since.[2]

To some of the men who served in Congress and with whom he came in contact, Thomson might have seemed provincial, because he had not attended college, had not lived abroad (except his first ten years), and had not traveled extensively in America. He was, though, a man of high intelligence, self-disciplined, morally irreproachable, well read, a scholar and a learned man,

[2] *Dict. Amer. Biog.*, XVIII, 481–482. *Appleton's Cyclopædia*, VI, 97. Harley, *Charles Thomson*, *passim*, especially pp. 63, 85–88, 104–105, 114–118, 140–141, 199–207. Prowell, *History of York County*, I, 321. Sanders, *Evolution of Executive Departments*, pp. 172–186. Platt, *Continental Congress in the New York City Hall*, pp. 14–16, 41–42.



13. Charles Thomson, Secretary of Congress

possessed of intellectual curiosity and a wide-ranging mind. It seems clear both from his own background and from his attitude toward Barton that he had little interest in heraldry [3] and relied on the younger man for technical knowledge and skill in that field. But he was a practical man, gifted with sound common sense and the ability to get things done. This is what was needed at this point in the development of the Great Seal.

Thomson has been described as "a man of striking personal appearance, at least six feet tall, and he looked quite venerable, even before arriving at middle age".[4] A French army chaplain wrote of him in 1781:

> Among others Charles Thomson, Secretary of Congress, the soul of that political body, came also to receive and present his compliments. His meagre figure, furrowed countenance, and his hollow, sparkling eyes, his white straight hair, that did not hang quite as low as his ears, fixed our thorough attention and filled us with surprise and admiration.[5]

A portrait of Thomson is reproduced as illustration 13.

Thomson's Design

On receiving his assignment, Thomson went to work promptly. He studied the blazons and sketches of the three committees before attempting his own, giving particular attention to Hopkinson's drawing of his first obverse (see illustration 5). His major innovations were in promoting the eagle to a prominent position in the design, in placing a shield on the eagle's breast (with chevrons on that shield), and in placing symbols of peace and war in the eagle's talons. Thomson prepared his proposal in the form of a blazon accompanied by a rough drawing in color (illustration 14). Neither paper is dated. The blazon is wholly in Thomson's handwriting and bears his endorsement, "The Secretary's device". It reads literally as follows:

---

[3] As to Thomson's lack of interest in heraldry, see the following passage in a letter from Thomson to Barton dated June 24, 1782: "I am much obliged for the perusal of the *Elements of Heraldry*, which I now return. I have just dipt into it so far as to be satisfied that it may afford a fund of entertainment and be applied by a State to useful purposes." See Chapter IV, p. 62*n*.

[4] Harley, *Charles Thomson*, p. 204.

[5] Abbé Claude Robin, quoted *ibid*.

Device for an Armorial Atchievement and Reverse of a great Seal for the United States in Congress Assembled

Arms.

On a field Chevrons composed of seven pieces on one side & six on the other, joined together at the top in such wise that each of the six bears against or is supported by & supports two of the opposite side the pieces of the chevrons on each side alternate red & white. The shield born on the breast of an American Eagle on the wing & rising proper.[a] In the dexter talon of the Eagle an Olive branch & in the sinister a bundle of Arrows. Over the head of the Eagle a Constellation of Stars surrounded with bright rays and at a little distance clouds.

~~Motto~~ In the bill of the Eagle a scroll with these words E pluribus unum.—

Reverse

A pyramid unfinished
In the Zenith an Eye in a triangle surrounded with a glory, proper.
Over the Eye these words
Annuit cœptis
On the base of the pyramid the ~~figures~~ numerical letters
MDCCLXXVI
and underneath these words
Novus Ordo seclorum.—

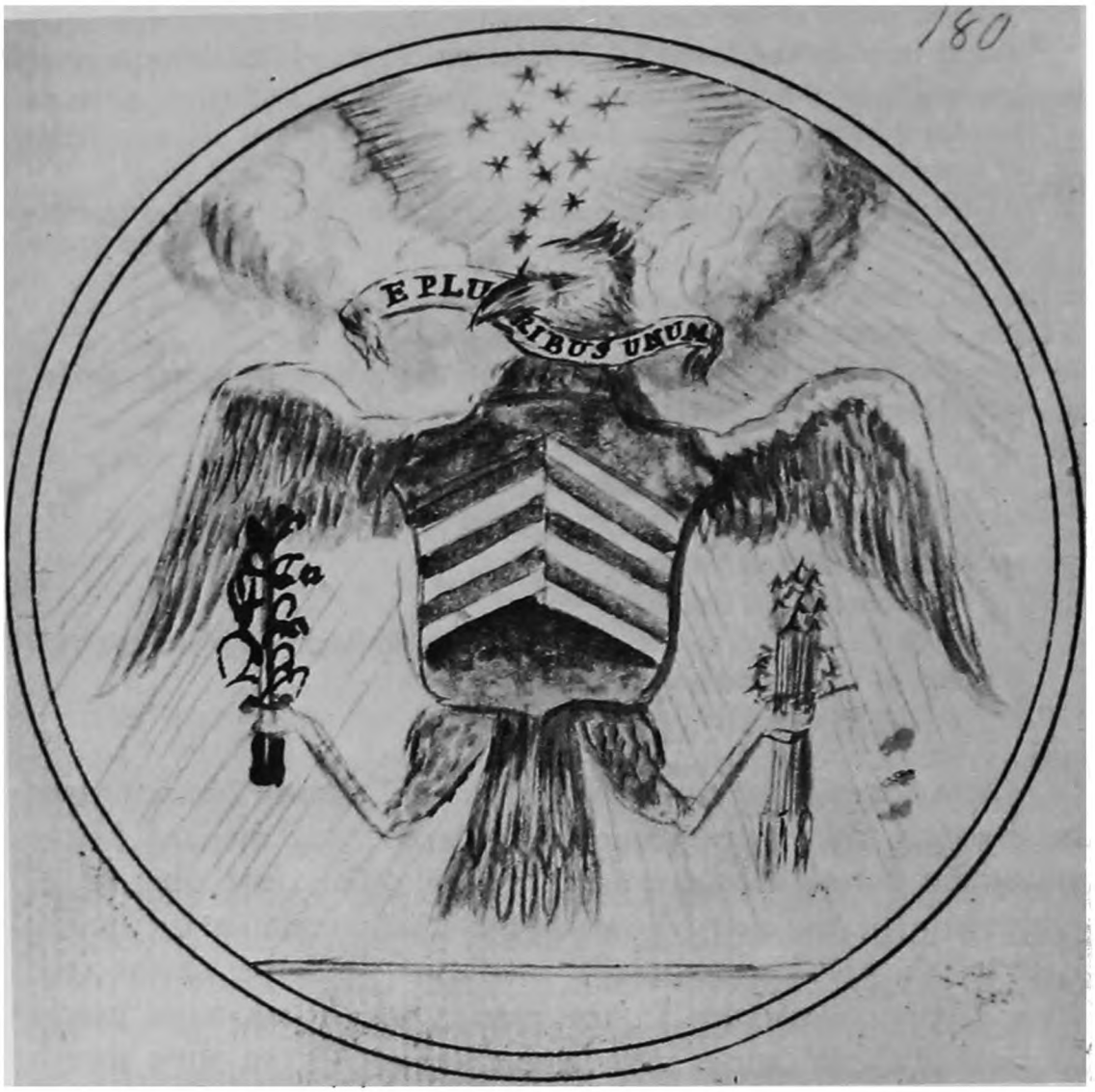
NB the Head & tail of the American bald Eagle are white the body & wings of a lead or dove colour [6]

[a] The word "proper" is inserted with a caret.

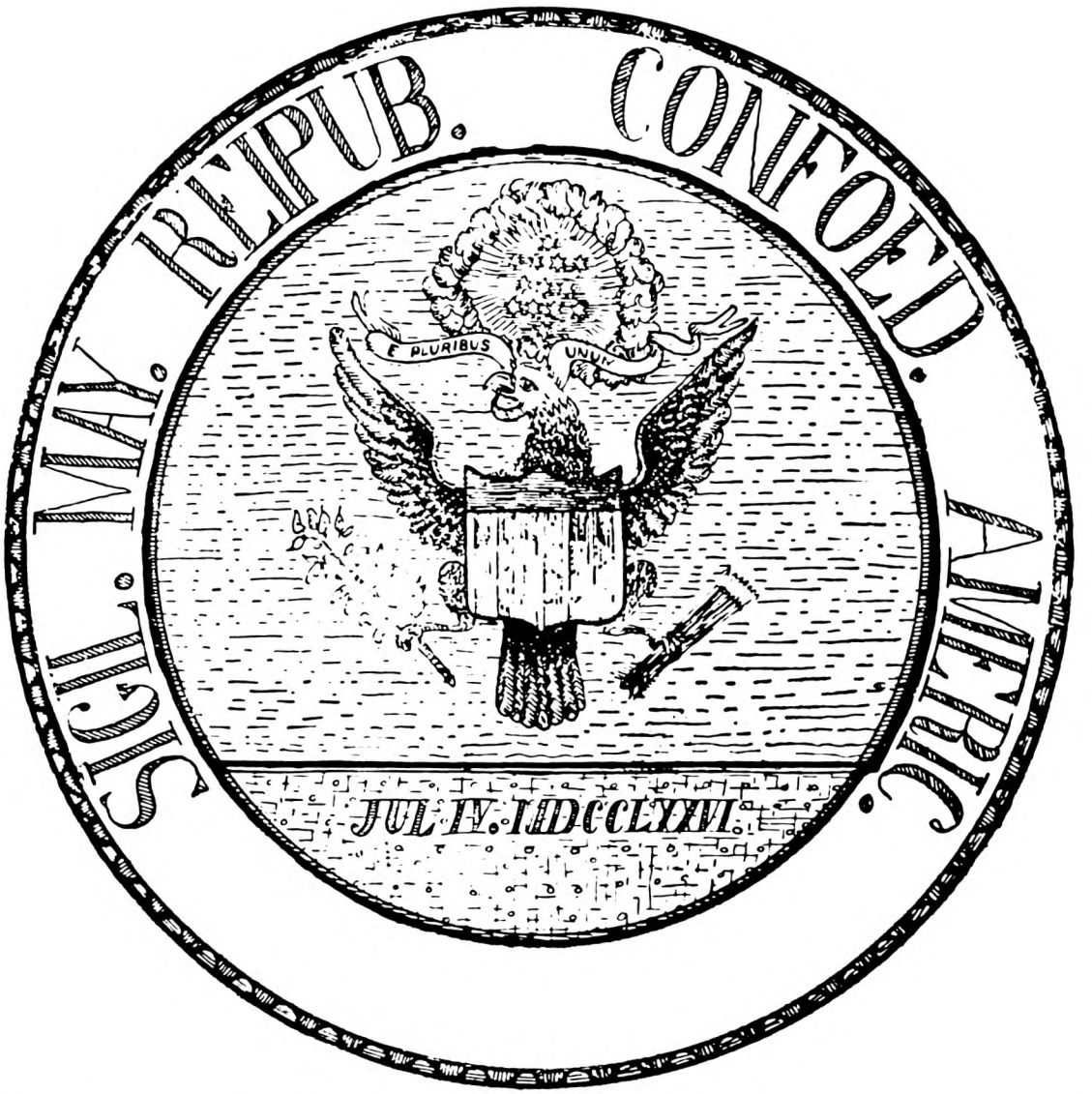
There seems no reason to doubt that Thomson himself made the drawing that accompanied his blazon. And he had before him as he did so Hopkinson's drawing of his first obverse. A comparison of the two shows (1) a distinct similarity in the shape of the shields, especially in the unusual line of the top; (2) a distinct similarity in the crests, which are more nearly identical in the drawings than in the blazons; (3) an olive branch in the left hand of Hopkinson's sinister supporter and an olive branch in Thomson's eagle's dexter talon; (4) a bow and arrow in the right hand and a quiver full of arrows on the back of Hopkinson's dexter supporter, and a bundle of thirteen arrows[7] in Thomson's eagle's sinister talon. The influence of Hopkinson's first obverse drawing on Thomson's drawing is clear.

[6] Papers Cont. Cong., item 23, folio 179. Thomson's drawing, formerly *ibid.*, folio 180, has been removed for exhibition purposes.

[7] Thomson's blazon did not specify the number of arrows, but there seem to be thirteen in his drawing.



14. Thomson's Drawing of His Proposal, 1782



15. The Benedict Realization (1903) of Barton's Modification of Thomson's Proposal

Furthermore, in the lower margin of Hopkinson's drawing are experimental pen scratchings in the form of chevrons and an unfinished shield bearing chevrons, approximately as in Thomson's drawing and almost certainly his handiwork.

Although not specified in Thomson's blazon, the background color or "field" of his shield is blue, as is that of the shield in the drawing of Hopkinson's second obverse.

Two other influences on Thomson's drawing are to be noted. First, Barton had used an eagle displayed in both his designs, on the shield of the first and in the crest of the second. Thomson may have taken his eagle from Barton's designs,[8] although he specified that it be an "American Eagle" and "on the wing & rising" rather than "displayed". Moreover, Thomson made his eagle a major and central figure of his device, supporting the shield of arms on its breast with no other help. Second, Thomson took his motto *E Pluribus Unum*, which he placed on a scroll in the eagle's beak, from Du Simitière's design.

Thomson used actual color on his sketch, rather than the conventional heraldic engraver's representations of colors by lines of shading—vertical for red, horizontal for blue, and so on. In this respect Hunt's black-and-white reproduction of Thomson's drawing differs from the original, for his artist indicated the red and blue by such shading.[9]

Whether deliberately or inadvertently, Thomson achieved a pleasing simplicity and lack of clutter in his obverse that were missing from all previous proposals. And Thomson's proposal is the first in which the overall design of the device finally adopted can be clearly seen.

Thomson patterned his reverse after Barton's. His "pyramid unfinished" is another way of describing Barton's pyramid, although he omitted Barton's specification of "thirteen Strata, (or Steps)" and the color gold (*or*). His "In the Zenith an Eye in a triangle" took more from Du Simitière's crest than Barton's design did, by including the triangle that Barton omitted. For Barton's motto *Deo favente* Thomson substituted *Annuit Cœptis;* and he added a second motto, *Novus Ordo Seclorum*. (These

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[8] The possibility that Thomson's eagle was suggested not by Barton's design but by a German emblem book is examined in Chapter VI.

[9] Hunt, *History of the Seal*, facing p. 34.

mottoes will be explained in the next chapter.) Instead of Barton's exergue Thomson put the year of independence in roman numerals (from Du Simitière's design) on the base of the pyramid. Thomson made no drawing of his reverse.

Evidently regarding his work as tentative and experimental, the Secretary handed his description and drawing to Barton.

Barton's Modification of Thomson's Design

On June 19, 1782, Barton proceeded to rewrite Thomson's description of the obverse in the precise language of heraldry, including specification of colors. He made a major change in the device on the shield, substituting for Thomson's chevrons thirteen vertical stripes alternately white and red below a blue "chief", or upper part of the shield. Instead of "on the wing & rising", he gave the eagle the "displayed" attitude it had had in his two designs for the third committee. Leaving a choice of "a Palm or an Olive Branch" in the eagle's right talon, he specified that the number of arrows in the eagle's left talon should be thirteen. Describing the crest more specifically, he stipulated that it include thirteen stars. To the whole device he added an exergue and a legend around the margin, both of which were subsequently discarded.

Barton's paper, which includes a footnote and a section headed "Remarks", is initialed and dated and is wholly in his handwriting. It bears this endorsement in Thomson's hand: "Mr Bartons improvements on the Secretary's device". The paper reads literally as follows:

> Device for an Armorial Atchievement for the United States of North-America, blazoned agreeably to the Laws of Heraldry—proposed by Wm Barton, A.M.—
>
> Arms.
>
> Paleways of *thirteen pieces, Argent & Gules; a Chief Azure:—The Escutcheon placed on the Breast of an American (the bald-headed) Eagle, displayed, proper; holding in his Beak a Scroll, inscribed with this Motto, viz.
>
> "E pluribus Unum"—
>
> And in his dexter Talon a Palm or an Olive Branch—in the other a Bundle of 13 Arrows; all proper.

For the Crest.

Over the Head of the Eagle, which appears above the Escutcheon, a Glory, Or; breaking through a Cloud, proper, and surrounding thirteen Stars forming a Constellation, Argent, on an Azure Field.

In the Exergue of the Great Seal—

"Jul. IV. MDCCLXXVI."

In the Margin of the same—

"Sigil. mag. Reipub
Confœd. Americ."

Remarks.

The Escutcheon is composed of the Chief & Pale, the two most honorable ordinaries: the ~~former~~ latter represent the several States; all joined in one solid, compact Entire, supporting a Chief, which unites the whole & represents Congress— The Motto alludes to this Union.—The Colours or Tinctures[a] of the Pales are those used in the Flag of the United States— White signifies Purity & Innocence; Red, Hardiness & Valour. The Chief denotes Congress—Blue is the Ground of the American Uniform, and this Colour signifies Vigilance, Perseverance & Justice.

The Meaning of the Crest is obvious, as is likewise that of the Olive Branch & Arrows.

The Escutcheon being placed on the Breast of the Eagle displayed is a very antient Mode of bearing, & is truly imperial. The Eagle *displayed* is an Heraldical Figure; and, being borne in the Manner here described, supplies the Place of Supporters & Crest. The American States need no Supporters but their own Virtue, and the Preservation of their Union through Congress.— The Pales in the Arms are kept closely united by the Chief, which last[b] likewise depends on that Union & the Strength resulting from it, for its own Support—the Inference is plain.[10]

[a] The words "or Tinctures" are inserted with a caret.
[b] The word "last" is inserted without a caret.

For a later—and by no means accurate—artist's realization of this blazon, see illustration 15.

Some of the language of Barton's "Remarks" is drawn directly from Antoine Pyron du Martre's *Elements of Heraldry*, which Barton lent to Thomson at just this time[11]—perhaps in connection with his explanation of the blazon. Pyron du Martre, leaning on earlier authors, stated that white (*argent*) "signifies Purity, Innocence, Beauty, and Genteelness"; that red (*gules*)

[10] Papers Cont. Cong., item 23, folios 131–132.
[11] See Chapter IV, p. 62*n*.

"denotes martial Prowess, Boldness, and Hardiness"; and that blue (*azure*) "signifies Justice, Perseverance, and Vigilance".[12] Pyron du Martre also noted that the "Chief signifies Dominion and Authority" [13] and that the "Pale denotes Strength, Firmness, and Constancy".[14]

In his footnote to the phrase "Paleways of thirteen Pieces", Barton provided the following explanation:

> *As the Pales or Pallets consist of an uneven Number, they ought, in strictness, to be blazoned—Arg.t 6 Pallets Gules: but as the 13 pieces allude to the thirteen States, they are blazoned according to the Number of *pieces paleways*.

This note gives the rationale for the appearance of seven white and six red stripes on the Great Seal, whereas the United States flag has seven red and six white stripes: in heraldry a color such as red (*gules*) is placed upon a metal such as silver (*argent*), but never vice versa. The field or background of the seal is therefore *argent* (silver or white) with six red stripes on it, but with the tincture of the field showing at the sides. Theoretically the field is solid white or silver, but the six red stripes on it make it look instead like seven white or silver stripes.

Regarding Barton's Latin legend, the following observations are pertinent:

> *Sigil. mag. Reipub Confœd. Americ.* Spelled out, this would be either (in the singular) *Sigillum Magnum Reipublicae Confoederatae Americae* or (in the plural) *Sigilla Magna Reipublicae Confoederatae Americae*. The translation, in either case, would be "Great Seal (or The Great Seal) of the United (or Confederated) Republic of America".
>
> In classical Latin, the preferred form was the plural, *sigilla* (with the singular meaning, "seal"). In Later Latin, the singular form, *sigillum*, came to be preferred.[15]

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[12] Pyron du Martre, *Elements of Heraldry*, "dictionary" at the end of the volume (pages unnumbered), under *Argent*, *Gules*, and *Azure*. Guillim, *Display of Heraldry*, p. 11, gives different meanings for these colors, noting that "some will tell you" that *argent* expresses the bearer's "Humility, Innocency, Beauty"; *azure*, his "Charity and Victory"; and *gules*, his "Magnanimity, Courage, Love and Charity".

[13] Pyron du Martre, *Elements of Heraldry*, p. 45.

[14] *Ibid.*, p. 49.

[15] Gerber, *Latin Mottoes*, p. 3.

Thomson Prepares His Report

Immediately on receiving Barton's paper of June 19, Thomson penned a report to Congress in the form of a blazon with appended "Remarks and Explanation". He based his obverse on Barton's paper, although omitting Barton's alternative palm branch from the arms and dropping his exergue and his Latin legend. He copied his reverse from the reverse of his own previous proposal, which he had taken with modifications from the reverse of Barton's second design for the third committee and which Barton had left unchanged. His appended "Remarks and Explanation" deal partly with the obverse and partly with the reverse. The portion relating to the obverse is copied from Barton's "Remarks" in his paper of June 19, though with a little editing, rearranging, and amplifying. The portion relating to the reverse is partly from Barton's "Remarks" with his second design for the third committee ("The Pyramid signifies Strength & Duration"), partly from his first design for that committee ("the *Eye* in the Arms, meant for the Eye of Providence"), and, for the rest, of Thomson's own writing.

Thus Thomson's report was a composite of his ideas and language and Barton's; and they both had borrowed from the designs of the earlier committees whatever they deemed useful and appropriate. The Secretary brought his report in to Congress the next day.

Chapter VI

CONGRESS ADOPTS THOMSON'S REPORT

On June 20, 1782, Charles Thomson submitted to Congress his report recommending a design for the Great Seal, and Congress adopted the device the same day. Thomson's report, unsigned and undated but in his handwriting, consists of a blazon (or written description) followed by Thomson's "Remarks and Explanation".[1]

The Great Seal Blazon as Adopted

The blazon for the obverse and reverse of the Great Seal was expressed in technical language, with the colors or tinctures described in standard heraldic terms—*or* for gold or yellow, *argent* for silver or white, *azure* for blue, and *gules* for red. The term "proper" was used for elements of the design that were to be portrayed in their natural colors. The eagle's right and left talons were described as his dexter and sinister talons, respectively. The top part of the shield was referred to as the "chief", and the terms "paleways", "paly", and "pales" referred to the vertical arrangement of stripes on the shield.[2]

The preamble to Thomson's report and the text of the blazon in that report read literally as follows:

> The Secretary of the United States in Congress assembled to whom were referred the several reports of committees on the device for a great seal, to take order, reports
>
> That the Device for an Armorial Atchievement & Reverse of the great seal for the United States in Congress assembled is as follows.—

---

[1] Papers Cont. Cong., item 23, R.G. 360, N.A. The blazon is on folio 113; the "Remarks and Explanation" are on folios 114 (which is the verso of folio 113) and 115; and Thomson's endorsement, quoted below, is on folio 116 (which is the verso of folio 115).

[2] For an explanation of other heraldic terms in the blazon, see the glossary beginning on p. 572.

Arms

Paleways of thirteen pieces Argent and Gules: a Chief, Azure. The Escutcheon on the breast of the American bald Eagle displayed, proper, holding in his dexter talon an Olive branch, and in his sinister a bundle of thirteen arrows, all proper, & in his beak a scroll, inscribed with this Motto. "E pluribus unum".—

For the Crest

Over the head of the Eagle which appears above the Escutcheon, A Glory, Or, breaking through a cloud, proper, & surrounding thirteen stars forming a Constellation, Argent, on an Azure field.—

Reverse

A Pyramid unfinished. In the Zenith an Eye in a triangle surrounded with a glory proper. Over the Eye these words "Annuit Cœptis". On the base of the pyramid the numerical letters MDCCLXXVI & underneath the following motto. "novus ordo seclorum"

Thomson's "Remarks and Explanation"

Thomson's "Remarks and Explanation" are on the same sheet of paper as the blazon, the sheet having been folded once, to make four pages. The blazon was written on the front page, while the "Remarks and Explanation" occupied the two inner pages. The complete document was then folded again into thirds, and on the middle third of the outer or fourth page—that is, on the back of the last page of the "Remarks and Explanation"—Thomson wrote the following endorsement: "Device for a Great Seal for the United States in Congress assembled. Passed June 20. 1782".

The text of the "Remarks and Explanation"—a vital document in the history of the Great Seal—follows:

The Escutcheon is composed of the chief & pale, the two most honorable ordinaries. The Pieces, paly, represent the several states all joined in one solid compact entire, supporting a Chief, which unites the whole & represents Congress. The Motto alludes to this union The pales in the arms are kept closely united by the chief and the Chief depends on that union & the strength resulting from it for its support, to denote the Confederacy of the United States of America & the preservation of their union through Congress.

The colours of the pales are those used in the flag of the United States of America; White signifies purity and innocence, Red, hardiness & valour, and Blue, the colour of the Chief signifies vigilance perseverance & justice. The Olive branch and arrows denote the power of peace & war which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The Escutcheon is born on the breast of an American Eagle without any other supporters to denote that the United States of America ought to rely on their own Virtue.—

Reverse. The pyramid signifies Strength and Duration: The Eye over it & the Motto allude to the many signal interpositions of providence in favour of the American cause. The date underneath is that of the Declaration of Independence and the words under it signify the beginning of the New American Æra, which commences from that date.—

Although there are various texts of Thomson's report, including the "Remarks and Explanation", in his and other handwritings, among the papers of the Continental Congress,[3] that printed above is the one he endorsed as passed on June 20, 1782, and the one he filed with the other papers relating to the designing of the seal that he had used in preparing his report.

Another text in his handwriting, which does not include the "Remarks and Explanation", is incorporated in the original Journals for June 20, 1782,[4] with its introductory paragraph recast in the usual "On the report of" format used for journal entries; that text is reproduced in the printed *Journals*.[5]

Although early prints of the *Journals* follow the manuscript Journals in not including the "Remarks and Explanation", the Library of Congress edition does include them.[6]

This leads to the question, Did Congress adopt just the Great Seal design, or the "Remarks and Explanation" as well?

The evidence is conflicting. It is clear that Thomson reported both to Congress, and his endorsement of the report (stating that it had passed) was actually written, as noted above, on the back of a folded sheet that contained both the blazon and the "Remarks and Explanation". But Thomson recorded the matter in the manuscript Journals as if that body had acted only on the seal

[3] E.g., Papers Cont. Cong., item 49, folios 429–430, 433–435.
[4] *Ibid.*, item 1, Rough Journals, XXXIII, 282–283.
[5] *Journals*, XXII, 338.
[6] *Ibid.*, pp. 339–340, printed from a different source text.

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design or blazon, and not on the "Remarks and Explanation". The better view seems to be that taken by the editor of the Library of Congress edition of the *Journals*, namely, that Congress had adopted the whole report as submitted to it, and not the blazon alone. In any case, the "Remarks and Explanation" have an official character and status, in that they came directly from the principal creators of the seal design and are thus primary evidence of what Barton and Thomson intended the device to signify, and what Congress knew to be the intent of the designers when the device was adopted.

No later than 1786 the "Remarks and Explanation" were public information. The issue of the *Columbian Magazine* for September of that year printed an engraving of the obverse of the Great Seal (see illustration 63), and with it the blazon and the "Remarks and Explanation". This printing included some changes of wording and other editing, but no alteration of meaning except for the insertion, at the end of the explanation of the obverse, of the sentence, "The eagle itself is a symbol of empire." Two footnotes were attached to the blazon, the first to "Paleways of thirteen pieces", and the second to "in his beak, a scroll", as follows:

> *According to the strict rules of heraldry, this should be thus blazoned—Argent, six pallets, gules, &c. for the number of pallets or pales being uneven, those at each side of the escutcheon are of the same tincture, viz. argent; so that argent appears to be the tincture of the field, and six pallets gules seem to be borne as charges thereon. But as the number of the pales in the arms, is designed to allude to the number of states in the union, that mode of blazoning would not answer the purpose intended. It is not consistent with the dignity of an imperial state, that its armorial insignia must necessarily be blazoned according to the *general* rules of blazonry prescribed by heralds. There is one notable exception to a fundamental rule in blazon, in the arms of *Jerusalem* where metal is placed upon metal—the arms being, *Argent, a cross potence, or, between four croslets of the same.*
>
> †As the colour of the scroll is not mentioned, it is recommended to be of purple, edged with gold, and inscribed with the motto in golden letters.

The engraving of the obverse in the *Columbian Magazine*, which was published in Philadelphia, is signed "Ja^{s} Trenchard Sculp." Perhaps Trenchard, who was a well known engraver of

the time and a member of the firm of the *Columbian Magazine*, supplied the text matter printed with his engraving, including the above-quoted footnotes. But his source for the "Remarks, *and* Explanation of the DEVICE",[7] as he called them, must have been either Thomson or Barton; and Thomson had been away from Philadelphia most of the time after June 1783, when Congress left, while Barton remained in the city. Also, the first footnote merely elaborated on a point made by Barton in a note to his blazon of June 19, 1782, printed above.[8] It would seem, at the least, that Barton must have had some hand in Trenchard's publication.

It is perhaps worth noting here that twenty-two years after Congress adopted the seal, Thomson sent Secretary of State James Madison the following letter dated December 1, 1804:

> Enclosed I send you an explanation of the Device for an armorial Atchievement and Reverse of a Great Seal for the United States in Congress assembled
>
> It was drawn up when I made report & contains the Sentiments which I had in my mind when I was considering the subject, and which I wished to express covertly by the device. It has never been published nor have I ever given a copy of it. If you think it worth preserving you may lodge it in your office, if not, destroy it [9]

If "covertly" can be interpreted to mean "indirectly" or "implicitly" or "symbolically", this letter would suggest that Thomson sent Madison a copy of his "Remarks and Explanation" (which had clearly been drawn up when Thomson "made report"), and Thomson may well have been unaware of the publication of the "Remarks and Explanation" in the *Columbian Magazine* or have forgotten it between 1786 and 1804. In this case, the fact that the enclosure cannot be found is of no great importance. But if "covertly" meant "secretly" and if Thomson was correct in saying that the enclosure had never been published, then the loss of the enclosure is a major one.

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[7] "Description of the Arms of the U.S.", pp. 33–34. Concerning Trenchard, see Stauffer, *American Engravers*, p. 276; Groce and Wallace, *Artists in America*, p. 636.

[8] See Chapter V, p. 81.

[9] Miscellaneous Letters, Aug.–Dec. 1804, folio 63, D.S., R.G. 59, entry 102, N.A. The enclosure is not filed with the letter, nor has it been found in the Madison Papers, Ms. Div., L.C.

Symbolism

The only surviving record of what Thomson intended to convey by the various elements of the seal design is contained in the "Remarks and Explanation" printed above. Although Thomson penned that final paper, he took his first paragraph, with some rearranging, editing, and expanding, from the "Remarks" that form part of Barton's paper of June 19, 1782, printed in Chapter V. He also adapted the first sentence of his "Reverse" paragraph, regarding the pyramid and the eye, from Barton, as noted above. The remainder of the paragraph Thomson composed himself.

Barton's explanation of the meaning of the eagle, which forms part of his remarks following his first design (printed in Chapter IV), reads: "The Eagle displayed is the Symbol of supreme Power & Authority, and signifies the Congress". Since an explanation of the eagle is conspicuously missing from Thomson's "Remarks and Explanation", perhaps this sentence may be regarded as *obiter dicta*.

In reading these explanations of symbolism, one must remember that they were written when the United States Government was that of the Articles of Confederation and the Continental Congress, when Congress was both the Executive and the Legislature, and when there was no President of the United States, but simply the President of Congress, elected by and presiding over that body.

In the area of symbolism, this book limits itself to presenting the statements that Barton and Thomson wrote at the time about the meaning of the various elements they put into the Great Seal design. While it can be (and has been) argued that the designers of the seal also intended to convey other hidden, mystic, and esoteric meanings, such possible meanings are not to be found in the surviving official documentation on the history of the Great Seal, and they are outside the bounds of this narrative.

The Mottoes

The motto of the obverse, *E Pluribus Unum*, means "Out of many, one". Its origin has been traced in Chapter II to the

Gentleman's Magazine and perhaps ultimately to Virgil or Horace, and, when first suggested by Du Simitière as a motto for the Great Seal, it may have alluded not only to the union of the Colonies but also to the diverse origins of the people of the new Republic.[10]

The two mottoes which Thomson suggested, and Congress adopted, for the reverse of the Great Seal, can be traced more definitely to the poetry of Virgil. Gaillard Hunt,[11] in the Department of State's first publication on the seal in 1892, took official notice of such a derivation and cited chapter and verse.

Annuit Cœptis, the upper motto of the reverse, was described by Hunt as an allusion to line 625 of book IX of the *Aeneid*.[12] That line read, in an eighteenth-century edition of Virgil: *Juppiter omnipotens, audacibus annue cœptis* [13] (All-powerful Jupiter, favor [my] daring undertakings). The last three words appear also in Virgil's *Georgics*, book I, line 40: *Da facilem cursum, atque audacibus annue cœptis* [14] (Give [me] an easy course, and favor [my] daring undertakings).

Thomson changed the imperative *annue* to *annuit*, the third person singular form of the same verb in either the present tense or the perfect tense. In the motto *Annuit Cœptis* the subject of the verb must be supplied, and the translator must also choose the tense. In his 1892 brochure, Hunt suggested that the missing subject was in effect the eye at the apex of the pyramid on the reverse of the Great Seal, and he translated the motto—in the present tense—as "it (the Eye of Providence) is favorable to our undertakings".[15] In later publications the missing subject of the verb *annuit* was construed to be God, and the motto has been

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[10] See Chapter II, pp. 24–25.

[11] Concerning Hunt, see Chapter XII, p. 286.

[12] Hunt, *Seal* (1892), pp. 20–21. In his discussion of the mottoes, Hunt drew upon a note by Henry Livingston Thomas, the Translator of the Dept. of State.

[13] *Publii Virgilii Maronis opera* (1744), p. 250. The reason for citing this particular edition, printed in London by J. Brindley, is explained later in the text.

[14] *Ibid.*, p. 25.

[15] Hunt, *Seal* (1892), p. 20. Thomson's "Remarks and Explanation" give a degree of support to this interpretation.

translated in more recent Department of State publications—in the perfect tense—as "He (God) has favored our undertakings".[16]

In the lower motto of the reverse, *Novus Ordo Seclorum*, Hunt noted an allusion to line 5 of Virgil's *Eclogue IV*,[17] which read, in an eighteenth-century edition: *Magnus ab integro seclorum nascitur ordo*.[18] Hunt translated this line as "the great series of ages begins anew" and translated the motto as "a new order of centuries".[19] In more recent Department of State publications the motto has been rendered as "a new order of the ages" [20]

The spelling of the word *seclorum* as used in the second motto requires explanation. There are three normal spellings for the word, all permissible—*saeculorum*, *sæculorum*, and *seculorum*—but the four syllables of the full word would have distorted the meter in Virgil's line quoted above. To preserve the meter, the poet resorted to the device known as syncope, dropping the first *u* from the word. In Latin poetry the use of syncope—that is, the dropping of a vowel or syllable in the middle of a word so as to fit the word into the meter—was very common.[21] With the first *u* omitted, the word could be spelled *saeclorum* (now the preferred spelling based on Virgilian manuscripts), *sæclorum*, or *seclorum*—all three spellings are to be found in eighteenth-century editions of Virgil[22]—and Thomson chose *seclorum*.

One suspects Thomson made this choice because his own copy of Virgil used that spelling in *Eclogue IV*—and also the ligature *æ* in *cæptis* and the spelling *annue* (rather than *adnue*, which was in some editions and is now preferred) in the *Aeneid* and the *Georgics*. This particular combination of spellings—*annue*, *cæptis*, and *seclorum*—is unusual in editions of Virgil. Indeed, of a dozen pre-1782 editions examined, only one contained all three of these spellings: *Publii Virgilii Maronis opera*, a small one-volume edition printed in London by J. Brindley in 1744,

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[16] See, e.g., *Seal of the U.S.* (1939), second page of text; *Great Seal of the U.S.* (1976), fifth page of text.

[17] Hunt, *Seal* (1892), pp. 20–21.

[18] *Publii Virgilii Maronis opera* (1744), p. 8.

[19] Hunt, *Seal* (1892), pp. 20–21.

[20] See, e.g., *Seal of the U.S.* (1939), second page of text; *Seal of the U.S.* (1952), first page of text; *Great Seal of the U.S.* (1976), fifth page of text.

[21] Gerber, *Latin Mottoes*, pp. 2–3.

[22] See footnotes 23–25, *infra*.

with no indication as to who had edited the text. That Thomson owned that particular edition is a striking possibility.

Had Thomson owned a different edition of Virgil's works, the mottoes adopted by Congress for the reverse of the Great Seal might have been somewhat different. If, for example, Thomson's Virgil had been the Dublin edition of 1753,[23] the mottoes would probably have read *Annuit Coeptis* and *Novus Ordo Saeclorum*. Or from a London edition of 1746[24] he would have combined *Annuit Cœptis* with *Novus Ordo Sæclorum*. Or, had he owned a Glasgow edition of 1766,[25] the mottoes would presumably have appeared as *Adnuit Coeptis* combined with *Novus Ordo Seclorum*. But Thomson suggested, and Congress adopted, *Annuit Cœptis* and *Novus Ordo Seclorum*, and the best explanation is that Thomson worked from the Brindley printing of 1744, or perhaps from an unidentified edition which shared Brindley's particular idiosyncrasies of spelling.

Hunt, in his 1892 brochure, stated that the words *Annuit cœptis novus ordo seclorum* had "commonly been taken as one motto, meaning 'the new series of ages is favorable to our undertakings'", but he pointed out that it was evident from Thomson's "Remarks and Explanation" that the "intention was to have two mottoes".[26]

In the years since the publication of the Hunt brochure of 1892, setting forth the first official citation of a Virgilian origin for the mottoes of the reverse, no other likely derivation has been put forward in the literature on the Great Seal, and the Virgilian attribution still appears to be the correct one.

Contributors to the Final Design of the Seal

The final design was a composite produced by the combined efforts of three committees of three men each, plus a consultant to

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[23] *Works of Virgil* (Pitt and Wharton, trs.); see particularly I, 84, 160; IV, 60.

[24] *P. Virgilii Maronis opera* (La Rue, ed.); see particularly pp. 23, 67, 429.

[25] *Publii Virgilii Maronis Bucolica, Georgica, et Aeneis* (1766); see particularly pp. 10, 28, 270.

[26] Hunt, *Seal* (1892), p. 20.

each committee, plus collaboration from Arthur Lee, plus the concluding efforts of William Barton and Charles Thomson. In all, fourteen men had a part. Each of the three committees—or, more accurately, each of the consultants to those committees—contributed elements to the final design. The various contributions are here identified and summarized—with the reservation that Thomson may have derived his central idea for the obverse (the eagle, with wings spread and a shield on its breast, holding symbols of peace and war in its talons) not from an eclectic study of earlier proposals for the Great Seal device but from entirely different sources. This reservation will be discussed in detail in the next two sections of this chapter.

From the first committee, and specifically from Du Simitière, came the suggestions that resulted in (1) the use of a shield and the motto *E Pluribus Unum* on a scroll in the final obverse, and (2) the eye of Providence in a radiant triangle and the date "MDCCLXXVI" on the final reverse. Du Simitière's shield is here listed because, although a national seal usually bears a coat of arms and a coat of arms usually includes a shield, none of the devices proposed by Franklin, Adams, and Jefferson contained one. Du Simitière's "Imperial Eagle Sable, for Germany", however, is not here listed because it was almost certainly not the inspiration or source for the eagle of the final design.

From the second committee, and specifically from Hopkinson, came the suggestions that resulted in (1) the colors red, white, and blue on the shield, with the red and white as some kind of stripes, (2) the bundle of arrows (from the savage of Hopkinson's first obverse, armed with a bow and arrows), (3) the olive branch, and (4) the radiant constellation of thirteen stars, all on the final obverse.

From the third committee, and specifically from Barton, came the suggestions that resulted in (1) the eagle displayed on the final obverse and (2) the unfinished pyramid on the final reverse. Subsequently, Barton's paper of June 19 established the thirteen white and red stripes on the shield as vertical and fixed the number of arrows in the eagle's left talon at thirteen.[27]

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[27] Cf. Chapter V, p. 75*n*.

Thomson contributed a fresh and novel arrangement, using elements from earlier designs, and specifying that the eagle should be of the American or bald species. In his report, which turned out to be the final design, he contributed the two mottoes on the final reverse, *Annuit Cœptis* and *Novus Ordo Seclorum*.

Accordingly, Du Simitière, Hopkinson, Barton, and Thomson each contributed specific items or elements to the final Great Seal design. Actually, the first two recorded a larger score than the last two. For the final design of both the obverse and the reverse, however, major credit must go jointly to Barton and Thomson, who collaborated to combine the elements into a whole device that proved acceptable to Congress.

Whence the Eagle and the Shield?

In the preceding section of this chapter, information was given as to the derivation of individual elements of the final device of the Great Seal. The assumption there was that an eclectic Thomson, with earlier proposals before him, selected one element here and one there, putting them all together to form a whole that at last pleased the Continental Congress. The reservation was entered, however, that Thomson may have been inspired instead by quite different sources that suggested to him major elements of the final design. This seems the likelier explanation for the final composition of the obverse—the eagle in a dominant position, a shield on its breast, and symbols of peace and war in its talons. No single source has been found for such a composition, but there are separate sources which (combined) would give such a design.

The eagle with a shield on its breast was not characteristic of English heraldry. No example is shown, therefore, either in Guillim's *Display of Heraldry*—that large and well illustrated work which William Barton knew and which was available to Thomson—or in Pyron du Martre's *Elements of Heraldry*, which Barton lent to Thomson in June 1782.[28] The eagle-and-shield device, however, was a well established convention of Continental

[28] See Chapter IV, p. 62*n*.

heraldry and had been for many centuries.[29] In Philadelphia now, one could assemble with ease a thousand examples, in books and on coins, of the eagle-and-shield *motif*. But can one be sure that even a few such examples were to be found in Philadelphia in 1782? The answer is yes.

Thomson may have seen, for example, a monumental work on heraldry by the German author Philipp Jakob Spener.[30] This volume, with its fine illustrations, was in the collections of the Library Company of Philadelphia, of which Thomson was a member.[31] In Spener's book the largest and most prominent illustration was an elaborate heraldic "achievement" headed *Imperator Augustus*, and its central device was a shield borne on the breast of a two-headed eagle, displayed.[32] It cannot be proved that Thomson was influenced by Spener's work, but it is possible.

Perhaps it is more likely that Thomson had seen a coin with an eagle-and-shield design on one of its faces. Many such coins had been minted by Russia, Spain, and the Holy Roman Empire, and the recently issued Maria Theresa taler of 1780—soon to become one of the world's most widely circulated coins—may already have appeared in Philadelphia. In any case, Thomson knew Du Simitière (probably from the latter's service to various committees of Congress, and certainly as a fellow member of the American Philosophical Society), and Du Simitière had a numismatic collection that contained coins from all the countries mentioned above. Specifically, Du Simitière recorded that he had a coin of 1760 which showed on the reverse "a coat of arms

[29] Illustration 16, a Spanish textile fragment dating from the first half of the twelfth century, is included to show the antiquity of Continental devices that developed into the modern heraldic eagle with a shield on its breast.

[30] Spener, *Historia insignium illustrium*, published in 1680.

[31] Spener's book had been given to the Library Company by Gustavus Hesselius, who died in 1755. Thomson was a member of the Library Company from 1762 to 1806, and a director from 1762 to 1770. Information supplied by Mr. Gordon Marshall, Library Company of Philadelphia, Jan. 18, 1977. Letter from Miss Marie E. Korey, Library Company, to Fredrick Aandahl, Historical Office, Dept. of State, Sept. 8, 1976, in the files of the Office of the Historian, D.S.

[32] Plate II. The plates follow p. 36. A very similar (although somewhat smaller) drawing of this coat of arms of the Holy Roman Emperor is printed in Vries, tr., *Doorlughtige weereld*, I, 12, and an illustration of the Russian imperial arms—also a two-headed eagle with a shield on its breast—appears *ibid.*, III, 295. Thomson may possibly have seen this work also, as it was in Du Simitière's library. Library Company of Philadelphia, *Descriptive Catalogue*, p. 139.

in an imperial eagle crowned".[33] He probably had other coins as well that bore eagle-and-shield devices, and Thomson's imagination may have been fired by one or more of Du Simitière's coins.

While an exact source cannot be proved, it is far more probable that Thomson took the idea of the eagle with a shield on its breast from an illustration of some kind—whether in a book or on a coin—than that the idea came to him as an original inspiration.

The Camerarius Connection

More information is available to connect Thomson with a source that depicted the eagle with symbols of peace and war. As a classical scholar, Thomson would have been aware that the eagle was widely used on the artifacts of ancient Egypt, Greece, and Rome. In classical mythology the eagle was associated with Jove or Jupiter; hence the use of coins in the ancient world showing an eagle with a thunderbolt.[34] Nothing can be shown, however, as to Thomson's familiarity either with those coins or with a series of sixteenth-century coins of the Kingdom of the Two Sicilies on which an eagle, wings spread, grasped in its talons both thunderbolts and an olive branch. The latter coins were issued during the reign of the Emperor Charles V (also King of Spain and the Two Sicilies), and some of them, including the 1551 example reproduced in this volume (illustration 17) bore the Emperor's motto, *Suum Cuique* (To each his own).[35]

At about the time those coins were minted, the emblem book mania struck Europe. Hundreds of emblem books poured from the presses of Italy, France, the Netherlands, Germany, and England,

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[33] Sifton, *Pierre Eugene Du Simitiere*, pp. 403, 408–410, 412, 414. Gillingham, "An Eighteenth Century Coin Collection", cited by Sifton. For illustrations of pre-1782 coins bearing eagle-and-shield devices, see Hobson and Obojski, *Illustrated Encyclopedia of World Coins*, pp. 41–42, 235–237, 388; Heiss, *Descripción general de las monedas hispano-cristianas*, vol. I, plate 20; Kaim, *Russische Numismatik*, tables XVIII–XX, XXII–XXIII, XXV, XXVIII; Spassky, *Russian Monetary System*, pp. 152, 172.

[34] See, e.g., Head, *Guide*, pp. 58, 66, 74, 81, 94, 96–97, 109, and plates 28, 33, 40, 44, 52, 54–55, 62; Jenkins, *Ancient Greek Coins*, illustrations 80, 273, 454, 544.

[35] See Heiss, *Descripción general de las monedas hispano-cristianas*, vol. II, plate 126.

and many of the most popular went through multiple editions.[36] Two such books deserve mention here.

One was the *Mirrovr of Maiestie*,[37] published in London in 1618. An emblem in that book (illustration 18) depicted an eagle with wings spread, clutching in its talons a sword and olive branches, as well as a crown and coronet. The accompaning text, "This *Embleme* of soft *Peace* and *warlike bands*",[38] makes the symbolism explicit. If it could be shown that Thomson had owned the book, a case could perhaps be made that this emblem had inspired the obverse of the Great Seal, but the book fell into eclipse soon after publication,[39] and there is no reason to believe that Thomson was familiar with it.

That is not the case, however, with an emblem book of 1597 entitled *Symbolorvm & emblematvm ex volatilibvs et insectis desvmtorvm centvria tertia, collecta a Ioachimo Camerario, medico Norimberg* (A Third Century of Symbols and Emblems Chosen From Birds and Insects, Collected by Joachim Camerarius, Physician of Nürnberg). This book and its author require notice in the history of the Great Seal of the United States.[40]

Joachim Camerarius was born at Nürnberg, in Bavaria, on November 6, 1534, the son of a prominent humanist of the same name.[41] He became one of the most learned physicians and botanists of his day. Having studied medicine in both Germany and Italy, he returned to Nürnberg and founded a college of medicine there in 1592. He died in his native city, October 11, 1598.[42]

Camerarius' skill in botany explains why his first venture into the publication of emblem books—a volume or "century"

[36] The total output of emblem books approached 3,000 editions. See Shipman, comp., *Catalogue*, unnumbered prefatory page.

[37] In titles of and quotations from early books, the coauthor has followed the originals literally in using *v* and *i* where modern printers would use *u* and *j*.

[38] Goodyere, *Mirrovr of Maiestie*, p. 7.

[39] *Ibid.*, p. 92.

[40] The coauthor is indebted to Dr. V. Clain-Stefanelli, Curator, Division of Numismatics, Smithsonian Institution, Washington, for suggesting that emblem books in general and Camerarius' works in particular be studied in connection with the history of the Great Seal. He is also grateful to Dr. Harold D. Langley for calling his attention to Sommer, "Emblem and Device", a brief but important article on this subject.

[41] For biographical sketches of the elder Camerarius, see *Neue deutsche Biographie*, III, 104–105; *Allgemeine deutsche Biographie*, III, 720–724.

[42] *Biographisches Lexikon der hervorragenden Ärzte*, I, 808.

of a hundred emblems, each with motto, explanatory couplet, and one-page background essay, all in Latin—dealt exclusively with botanical subjects. That book appeared in 1593.[43] A second "century" of emblems, drawn from the animal kingdom, was issued two years later.[44] Then in 1597 came the third "century"—the *centvria tertia* mentioned above—based on birds and insects, with plates engraved by Hans Sibmacher.[45] A fourth "century", in which Camerarius' last hundred emblems drew on aquatic life and reptiles, was published posthumously.[46] All together, Camerarius was responsible for a remarkable series of four hundred emblems, each with accompanying motto, couplet, and page of background discussion. A collected edition of his first three "centuries" was printed in 1605, followed by a number of complete editions, some in Latin, others translated into German.[47]

Two of the later Latin editions were published at Mainz in 1697 and 1702 under the new title *Joachimi Camerarii symbolorum ac emblematum ethico-politicorum centuriæ quatuor* (Joachim Camerarius' Four Centuries of Ethico-Political Symbols and Emblems). The earlier plates were not available for these editions, and the emblems were therefore reengraved. The Mainz engraver, instead of cutting the new plates in reverse so that the illustrations would look like the originals when printed, engraved most of the emblems just as he saw the models,[48] with the result that in the Mainz editions the illustrations came out in reverse from (or as mirror images of) the engravings in the first editions.

The importance of the Mainz edition of 1702 to the history of the Great Seal of the United States lies in the fact that Benjamin

[43] *Symbolorvm & emblematvm ex re herbaria desvmtorvm centvria vna.* The date on the title page is 1590, but the dedication was dated 1593.

[44] *Symbolorvm & emblematvm ex animalibvs qvadrvpedibvs desvmtorvm centvria altera.*

[45] For a biographical sketch, see *Allgemeine deutsche Biographie*, XXXIV, 136–138.

[46] *Symbolorvm et emblematvm ex aqvatilibvs et reptilibvs desvmtorvm centvria qvarta*, published in 1605.

[47] For detailed listings of the various editions of Camerarius, see Landwehr, *German Emblem Books*, pp. 46–49; *National Union Catalog, Pre-1956 Imprints*, XCI, 542–544. The best modern source for a study of Camerarius' emblems is Henkel and Schöne, eds., *Emblemata*, a monumental illustrated catalog (by subject) of the contents of the major emblem books.

[48] Some new emblems were substituted for cuts in the first editions of Camerarius' works, and there were other modifications, as in the drawing of the thunderbolt in the first emblem of the third "century".

Franklin owned a copy of this edition of Camerarius.[49] Franklin, a Member of the Continental Congress in 1775, served in that year on a committee concerned with the issuance of the new Continental currency, in eleven denominations. Each of those denominations carried on one side an emblem, with accompanying motto, and most of the emblems and mottoes were copied directly from the Mainz edition of Camerarius.[50] Eric P. Newman established these facts a decade ago and Frank H. Sommer had earlier linked Camerarius with the Great Seal design,[51] but the Thomson–Camerarius connection needs further consideration.

Charles Thomson, as Secretary of Congress, knew about the work of the 1775 committee on currency, and as a citizen of Philadelphia he must have handled many examples of the currency. In 1843 it was stated—without cited authority—that the devices and mottoes were "said to have been composed" by Franklin and Thomson, "aided by the Latinists of the Continental Congress".[52] But even if Thomson had no part in designing the currency, as a classical scholar and friend of Franklin, he surely knew the origin of the designs; if he was not told the source of these curious emblems, each with a Latin motto, would he not have asked? Did he study Franklin's copy of Camerarius with sufficient care to remember seven years later a striking emblem that had not been used on the currency—an eagle with symbols of peace and war? Or was Franklin's copy of the emblem book still available to Thomson in Philadelphia in 1782, even though Franklin himself was then abroad, serving as Minister to France? These questions cannot be answered with certainty, but it is known that Franklin left some of his books in Pennsylvania when he went to Europe.[53] Whatever the explanation, the resemblance

[49] Newman, "Continental Currency", pp. 1590–1591. For a discussion of Franklin's library and the way in which it was determined that certain books were in it, see Library Company of Philadelphia, *Annual Report*, 1956, pp. 7–19. Franklin's copy of Camerarius is now in the collections of the Library Company. Other copies of Camerarius were owned by Francis Bacon and King Henry IV of France. See Shipman, comp., *Catalogue*, pp. 36–37.

[50] Newman, "Continental Currency", pp. 1588–1593, 1596.

[51] The article cited in notes 49 and 50, *supra*, appeared in the *Numismatist* for Dec. 1966. Sommer, "Emblem and Device", pp. 70, 72–73; this article appeared in the *Art Quarterly* in the spring of 1961.

[52] Breck, "Historical Sketch of Continental Paper Money", p. 14; quoted in Newman, "Continental Currency", p. 1587.

[53] See Library Company of Philadelphia, *Annual Report*, 1956, p. 8.

between the first emblem of Camerarius' third "century" (illustration 19) and the obverse of the Great Seal is remarkable. Camerarius, perhaps familiar with one of the coins of the Two Sicilies mentioned above, used Charles V's motto (printed as *Cviqve Svvm*), an eagle displayed,[54] an olive branch, and a thunderbolt; and he explained the symbolism of the emblem in the following couplet:

Læva tenet fulmen, sed olivæ dextera ramum,
Vt pace & bello sim memor officii.[55]

This may be translated as:

The left [hand [56]] holds a thunderbolt, but the right an olive branch,
That in peace and war I may be mindful of my duty.[57]

In the emblem itself the eagle's talons do not actually grasp the olive branch and thunderbolt, but *tenet* (holds) in the text shows that the eagle is understood to be clutching those symbols of peace and war. Except that Thomson specified an American bald eagle and substituted arrows [58] for the thunderbolt, here in this

[54] Thomson first suggested an eagle on the wing rising, with the wing tips down (illustration 14), but Barton (who may also have been familiar with Camerarius) changed it to an eagle displayed.

[55] Camerarius, *Symbolorvm & emblematvm ex volatilibvs et insectis desvmtorvm centvria tertia*, emblem I.

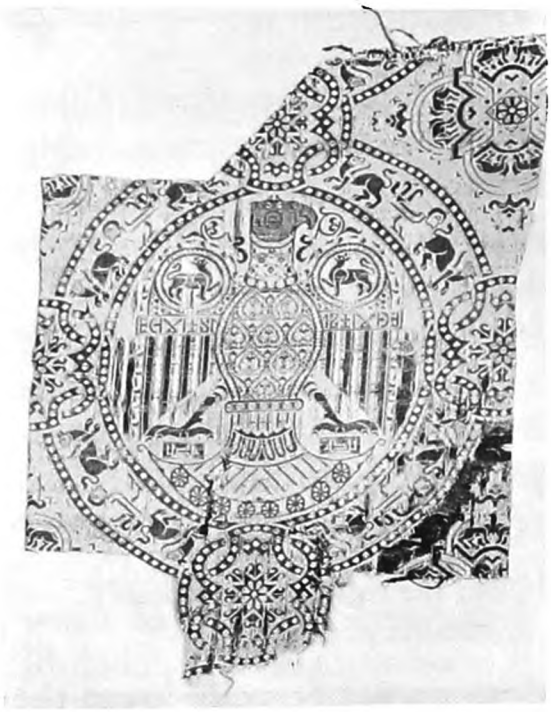
[56] In the Latin couplet quoted above, this word is not expressed, but the noun to be supplied must be a feminine one, such as *manus* (hand), as the adjectives *læva* and *dextera* are feminine.

[57] Gerber, *Latin Mottoes*, p. 3. The arrangement of "thunderbolt" and "olive branch" in the first line, with "peace" and "war" in the second line referring to them but in inverted order, is a literary device used in Latin poetry known as chiasmus.

[58] In some emblem books arrows were symbols of unity. In Wither, *Collection of Emblemes* (1635), p. 177, for example, a bear is trying to break apart a tied sheaf of arrows. This emblem was not original with Wither, but his English verse stated its moral succinctly:

This Emblem, therefore, fitly doth imply
That Safeguard, which is found in Vnity;
And, shewes, that, when Dis-union is begunne,
It breedeth dangers, where before were none.

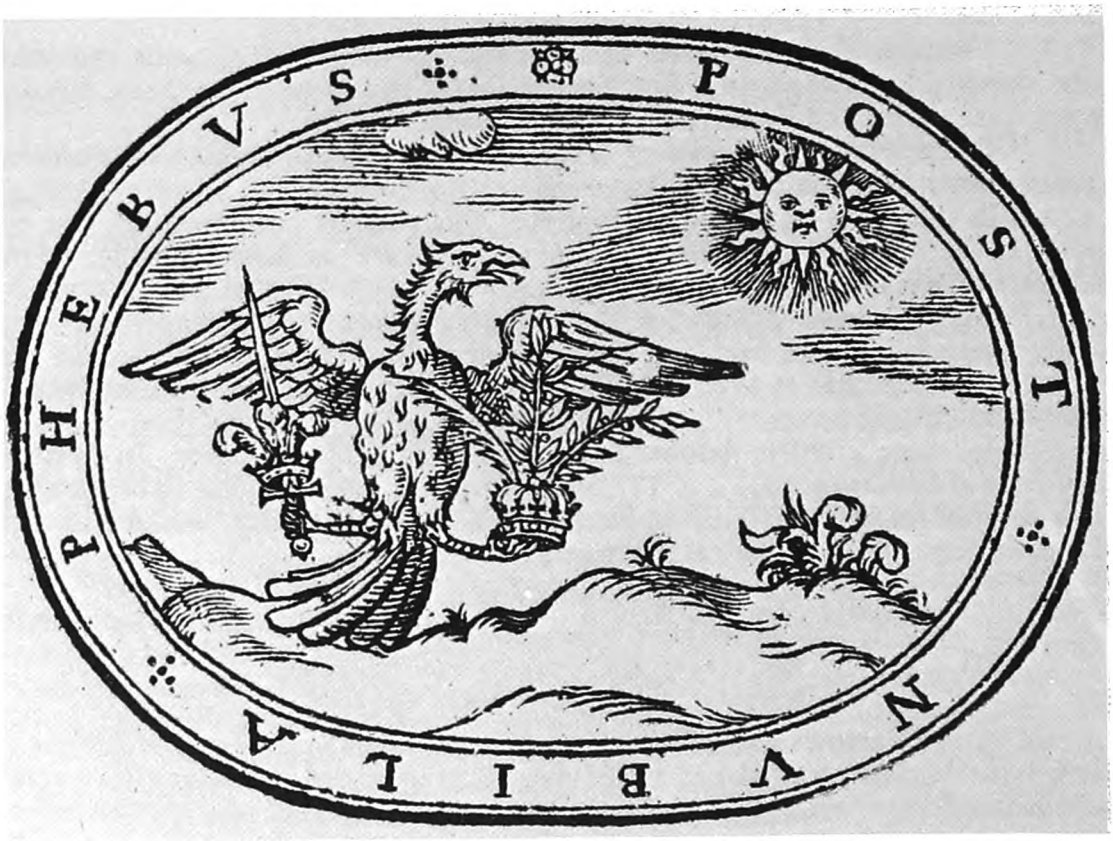
A tied splay of arrows had been used on Spanish coins in the reign of Ferdinand and Isabella, who united the kingdoms of Aragon and Castille; and a splay of similar design was held in a lion's left paw, as a symbol of the seven united provinces, in the coat of arms of the States General of the Netherlands. The latter device was illustrated frequently and prominently in Bizot's *Medalische historie*, which Du Simitière owned. Arrows were also used in the American Colonies as a symbol of unity on the £5 S.C. note of 1775 and the £2½ N.C. note of 1776. Newman, *Early Paper Money*, pp. 229, 311.



16. Textile Fragment (*ante* 1150) With Eagle Displayed



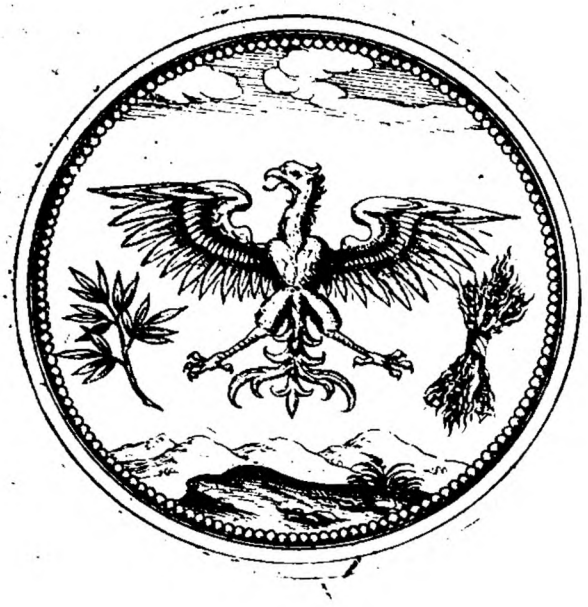
17. Coin (1551) With Eagle Holding Symbols of Peace and War



18. Cut From an English Emblem Book (1618) With Eagle Holding Symbols of Peace and War

I.

CVIQVE SVVM.



Læva tenet fulmen, ſed oliva dextera ramum,
Vt pace & bello ſim memor officii.

19. Page From Camerarius' Emblem Book (1597) With Eagle Displayed and Symbols of Peace and War

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emblem is one of the most prominent features of the Great Seal device proposed by Thomson, with much of its symbolism as well. It cannot be stated definitively that Thomson drew inspiration from Camerarius, but it is probable.

In reaching this conclusion there was one problem. The page reproduced as illustration 19 is from the 1597 edition of Camerarius' third "century"—an edition not connected with Thomson in any way—whereas Franklin's Mainz edition of 1702, as explained above, presented mirror images of the earlier emblems. Thus the 1597 eagle looked to its right, with the olive branch near the right talon and the thunderbolt near the left. The "mirror" 1702 eagle, on the other hand, faced to the left and had the olive branch at its left talon and the thunderbolt at its right. But the Latin couplet specifying which hand held which symbol was unchanged, and Thomson—the former teacher of Latin—would have realized that the symbols for peace and war had been reversed in the engraving. He must have done so, for he put the olive branch for peace in his eagle's right talon and the arrows for war in the left talon, and his eagle faced right, as indeed a proper heraldic bird should.[59]

The Prestwich Story

While little attention has been given to Camerarius by writers on the Great Seal, too much has been devoted to Sir John Prestwich.[60] The story that Prestwich suggested the colors and the arrangement of stripes on the shield for the Great Seal has been printed time and time again as undisputed fact, and it has been embellished as it has been repeated.

The story originated with Benson J. Lossing,[61] a nineteenth-century American wood engraver, editor, and writer of popular history. It was first mentioned in print in what is perhaps Lossing's best known work, his *Pictorial Field-Book of the American Revolution*. This work was originally published in New York in numbered parts or installments in 1850–1852 and was later

[59] Unless otherwise specified in the blazon, heraldic birds and beasts look to their right or to the dexter side of the shield.

[60] For a biographical sketch, see *Dict. Natl. Biog.*, XLVI, 319–320.

[61] For a biographical sketch, see *Dict. Amer. Biog.*, XI, 421–422.

reissued in various editions. The pertinent item is a portion of a footnote that occurs unchanged in the several editions. The story as Lossing then told it follows (the bracketed insertion of "John Adams" is his):

> . . . In a manuscript letter before me, written in 1818, by Thomas Barritt, Esq., an eminent antiquary of Manchester, England, addressed to his son in this country, is the following statement. "My friend, Sir John Prestwich, Bart., told me he was the person who suggested the idea of a coat of arms for the American States to an embassador [John Adams] from thence, which they have seen fit to put upon some of their moneys. It is this he told me—party per pale of thirteen stripes, white and red; the chief of the escutcheon blue, signifying the protection of Heaven over the states. He says it was soon afterward adopted as the arms of the states, and, to give it more consequence, it was placed upon the breast of a displayed eagle." [62]

Although Lossing was untrained as a historian and directed his writing toward a popular rather than a scholarly readership, his *Pictorial Field-Book of the Revolution* is a serious work based on eight thousand miles of travel in quest of material and five years of labor.[63] There is every evidence he intended his footnote as a statement of fact. Thomas Barritt (1743–1820), whose letter he quotes, was the grandfather of Lossing's first wife, Alice Barritt;[64] and it is true that he was "an eminent antiquary of Manchester, England".[65] Prestwich, who died in 1795, was likewise an antiquary of Manchester, and he had written and published in the area of British heraldry. There seems no reason to doubt Lossing's statement that he had in his hands about 1848–1852 a letter written by Barritt in 1818 which included the passage quoted, but the letter itself has long since disappeared and is not now available for study.

According to the quotation, Prestwich told his friend Barritt, sometime before 1795, that he had suggested to an unnamed "embassador" from the United States (whom Lossing identified as John Adams) a design for a coat of arms for that nation; and he says it consisted of a shield with a blue "chief", or upper

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[62] Lossing, *Pictorial Field-Book* (1851–1852), II, 862*n*. *Ibid*. (1859–1860), II, 656*n*.

[63] *Dict. Amer. Biog.*, XI, 422.

[64] *Ibid*. Totten, *Seal of History*, I, 68.

[65] *Dict. Natl. Biog.*, III, 295–296.

part, and with thirteen vertical white and red stripes below. This describes exactly the design on the shield of the Great Seal of the United States.

It is worth noting, however, that in 1818 Barritt was seventy-five and was writing of a conversation that had taken place somewhere between twenty-three and thirty-six years before. The accuracy of his memory comes into question—in this case the memory of spoken words. And it comes into question in connection with the probability that Barritt had seen the coat of arms of the United States from time to time in that period. Soon after the Great Seal was adopted in 1782, reproductions of it, or of portions of it, including particularly the shield, received widespread circulation in publications, on coins, and by various other means. Seeing the actual shield now and then may have stamped its design on his mind sharply enough to have affected his recollection of the idea Prestwich had talked about years before. At the least, the lapse of time gives rise to serious doubts as to the reliability of Barritt's report.

Despite the efforts of Lieutenant Charles A. L. Totten,[66] Admiral George H. Preble,[67] and others to investigate and prove or disprove the Prestwich story, no one has turned up any actual fact beyond the Barritt letter of 1818. Although much has been written on the subject, everything except the letter is speculation, hearsay, or fiction. For example, Totten says Preble wrote him in 1882 that Colonel Archibald Loudon Snowden, then Superintendent of the United States Mint at Philadelphia, had written him that his father, James Ross Snowden, who had been Director of the Mint, 1854–1861, had told him that Elias Boudinot, member of the third seal committee and Director of the Mint, 1795–1805, had told him that Prestwich had designed the seal.[68] But the elder Snowden, born December 9, 1809, would have been only eleven when Boudinot died, October 24, 1821; and there is no other evidence the old man ever knew the boy. Likewise, Totten says Preble informed him in 1882 that Thomas Gibbons,

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[66] Concerning Totten, see Chapter XII, p. 233.

[67] For a biographical sketch, see *Dict. Amer. Biog.*, XV, 183–184.

[68] Totten, *Seal of History*, I, 67–68, 70. For biographical sketches of the two Snowdens, see *Appleton's Cyclopædia*, V, 602–603; for another sketch of the father, see *Dict. Amer. Biog.*, XVII, 387. Concerning Boudinot, see Chapter IV, p. 45.

who was then working on a book about Thomas Barritt, had written him that he had a copy of a letter from Prestwich to Barritt referring to the Great Seal design.[69] But the letter itself was never forthcoming. Because the Prestwich story has been mistaken for fact, accepted as true, and perpetuated to the present time,[70] it deserves examination.

In *Harper's New Monthly Magazine* for July 1856 appeared a piece running to nine pages entitled "The Great Seal of the United States".[71] It carried no author's by-line. *Harper's* of the time published articles, essays, and fiction, among other matter; and this piece, like good fiction, has such a convincing air of factuality about it that it persuaded many readers, including historians, that it was truth. Internal evidence gives away the identity of the author, since verified as Lossing;[72] and knowledge that it was written by a prominent historian has since contributed to its acceptance as fact.

Nevertheless, the form and manner are fiction. The story, written early in 1856, purports to recount an experience in 1830, when the narrator, then aged twenty, was living for four months with a bachelor kinsman in Philadelphia. The kinsman's residence was located between the quarters of two octogenarians, "Uncle Billy" and "the Squire". Four nights a week

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[69] Totten, *Seal of History*, I, 68–70.

[70] Among those besides Totten who picked up the Prestwich story, sometimes with a measure of skepticism, were Preble in the various editions of his work from the first, *Our Flag: Origin and Progress of the Flag of the U.S.* (1872), p. 481, to the last, *Origin and History of the American Flag* (1917), II, 693; Champlin, "Great Seal", pp. 693–694; the anonymous author of the article entitled "The Great Seal" in the *Daily Graphic* (New York), May 14, 1885, p. 591; Lander, "Great Seal", pp. 481–482; the anonymous author of the article entitled "Seal of the United States, Great", in *Harper's Encyclopædia*, VIII, 101–102; Cigrand, *Story of the Great Seal*, pp. 210–212, 226–234; and Hunt, *History of the Seal*, pp. 38–40. The article on the Great Seal in the current *Encyclopedia Americana*, XIII, 354, mentions Prestwich, though misspelling his name.

In a "Believe It or Not" panel published on Aug. 14, 1940 (e.g., *Wilkes-Barre Record*, Aug. 14, 1940, p. 20), cartoonist Robert L. Ripley stated, "Sir John Prestwich—an Englishman designed the Great Seal of the United States! The design was accepted without alteration by Congress in June 1782". Douglas Ripley, editor of the panel, wrote in a letter (not now available) to Mr. E. V. Hailman of Alexandria, Va., Apr. 4, 1951, that his source for the panel in question was Bancroft, *Footprints of Time*, pp. 586–587.

[71] XIII, 178–186.

[72] Letter from Lossing to Albert Wadhams, Jan. 12, 1867; photocopy in the files of the Office the Historian, D.S.

the two old gentlemen came calling, to drink the kinsman's wine and reminisce about Philadelphia in the days of the Revolution. The narrator reports within quotation marks the conversations the two old men had twenty-five years before; and the two remember in full and precise detail events, conversations, and writings relating to the designing of the Great Seal during the Revolutionary period fifty or more years earlier still.

In due course Sir John Prestwich comes into the story; and the account of his proposal is much enlarged and embroidered beyond that given in the *Pictorial Field-Book*. The following are the portions of the narrative that involve the Englishman:

> ". . . He [Charles Thomson] also read a description of a device' written by Barton, but differing somewhat from his drawing. Dr. Arthur Lee and Elias Boudinot, who had accompanied Thomson when he called on Barton for a device, came in the same evening, and we discussed the subject pretty thoroughly. They did not fancy Barton's design for the arms, because it was too elaborate; but they liked his small sketch of the reverse of the seal, which was an unfinished pyramid with the eye of Providence, in a radiant triangle, over it. Finally, Thomson showed us an exceedingly simple and appropriate device, which Adams had sent to him from England, and approved of. Hoping something as good would be made by his own conutrymen, he had withheld it, because it had been suggested to Mr. Adams by a proud member of the British aristocracy. All agreed that the device from England was the best yet offered. Thomson reported it to Congress on the 20th of June, and it was adopted. So you see that we are indebted for our national arms to a titled aristocrat of the country with which we were then at war."
>
> "Is it possible!" we exclaimed. "Do you know the name of that titled Englishman?"
>
> "One thing at a time," said the Squire, filling his pipe. . . .
>
> . . . . . .
>
> "Well, you know John Adams was sent to England, in the fall of 1779, to negotiate for peace. His fame and his official position gave him great prominence, and he became acquainted with many men of all respectable classes. Among others who took quite a fancy for Adams was Sir John Prestwich, a baronet of the West of England, who was a friend of the Americans in that long quarrel, and was an accomplished antiquarian. In conversation with him one day on the bright prospects of the Americans, Adams mentioned the fact that his countrymen had not yet decided upon a national coat of arms. Sir John suggested that an escutcheon bearing thirteen perpendicular stripes, white and red, like the American flag, with the chief blue, and spangled with thirteen stars, would make a fine device. And to give it more consequence he proposed to place it on the breast of a

displayed eagle without supporters, as emblematic of self-reliance. That simple and significant device pleased Adams, and he communicated it to his friends in Congress. Thomson liked it, too, but, for reasons I have named, he withheld it until the last. Congress was pleased with it, and in the Journal of the 20th of June, 1782, you may find the great seal thus described . . ." [73]

The piece is fiction crammed full of facts, pseudo-facts, and factual errors about the development of the Great Seal design. Its fictional character ought to be obvious, and Lossing seemingly expected that it would be, since he withheld his historian's name from it and published it anonymously. Nevertheless, its verisimilitude convinced many that the piece was serious history. Actually, Lossing was amusing himself, trying to entertain his readers, and incidentally earning a few dollars from a pot-boiler.

Both in the excerpt from Barritt's letter of 1818 and throughout the piece in *Harper's*, Lossing assumes without question that the American "embassador" to whom Prestwich mentioned his idea for a coat of arms was John Adams. If the conversation had taken place elsewhere than in England, Adams might have participated. As appears from any biography of him, however, Adams never set foot in the British Isles, and consequently could not have conversed with Prestwich there, before October 1783.[74] By then Congress had adopted the seal design, and a die had been cut and put into use. No known version of the Prestwich story intimates that Prestwich was outside England when he told the American official of his idea. This would seem to exclude Adams from any part in the matter.

To whom, then, could Prestwich have spoken?

The question of American independence—and thus the question of a national coat of arms as a symbol of sovereignty—was not acute before April 1775, and the seal design was finally settled on June 20, 1782. Only between those dates would there have been any point in a suggestion by Prestwich or anyone else of a design for an American coat of arms. Within that period the United States had no officer of the rank and title of ambassador, in England or anywhere else.

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[73] *Harper's New Monthly Magazine*, XIII, 182–184, July 1856.

[74] E.g., Adams, *Life of John Adams*, II, 77, 91; *Works of John Adams*, III, 385, 386. See also Adams, *Diary and Autobiography* (Butterfield, ed.), IV, 257–264; this is part of a chronology of Adams' life.

It appears that the only Americans of the period who might have been thought of as diplomatic officers of the United States in England were Benjamin Franklin, Henry Laurens, and Arthur Lee. Franklin had served as the colonial agent in England for Pennsylvania, Georgia, New Jersey, and Massachusetts. He left Britain for America, however, on March 20, 1775—too early for the question to have arisen. Furthermore, if Franklin had ever met Prestwich and had ever received from him any suggestion for a coat of arms, no record of it has been found; and Franklin's proposal as chairman of the first committee on a design for a seal is quite different (see Chapter II).

Henry Laurens, merchant and planter, of South Carolina, elected and commissioned American Commissioner to the United Netherlands November 1, 1779, comes closest in rank to that of an ambassador. He sailed from Philadelphia for his post August 13, 1780, was captured off Newfoundland by the British on September 3, and was confined in the Tower of London until early in 1782.[75] In the circumstances, it seems doubtful that Laurens met Prestwich, received from him a suggestion for a national coat of arms, and communicated it to officers of Congress. So far as is known, no assertion that he did so has ever been put forward.

Arthur Lee would appear to be the last remaining possibility. As outlined in Chapter IV, Lee had spent much of his life in the British Isles, residing there throughout the period from 1768 to the latter part of 1776. Lee was widely known in Britain and had a vast number of friends and acquaintances there. Although not an ambassador, he did hold some official appointments, having been designated alternate agent of Massachusetts in London in 1770 (he became sole agent on Franklin's departure) and having been named an agent of the Committee of Secret Correspondence in 1775.

If Prestwich told any American in England having anything resembling an official status about his thoughts for a coat of arms for the United States, one might suppose it was Arthur Lee. Lee could have known Prestwich and might have talked with him on the subject prior to his departure for France in December

[75] *Dict. Amer. Biog.*, XI, 32–35. *Register D.S.*, 1937, p. 336.

1776. Furthermore, Lee returned to the United States in time to sit in Congress in 1782 and to become informally associated with the work of the third committee on the seal, as related in Chapter IV.

A careful examination, however, of manuscript and printed records of the time, including Lee's published and private correspondence and various published and unpublished biographical writings about him, fails to reveal any connection whatsoever between Prestwich and Lee.[76] Nor has any record been found of any communication of a suggestion for the Great Seal design from Lee to the third seal committee or to anyone else associated with the designing of the Great Seal, including Barton and Thomson. So far as known, then, Lee was unaware of Prestwich's alleged idea and did not send or bring it to the United States.

In the many years—more than a century and a quarter now—since Lossing wrote about Prestwich, and despite earnest efforts by various historians to search out the truth of the matter, no shred of evidence has come to light that any seal suggestion by Prestwich was ever communicated to or known to anyone in the United States prior to the adoption of the final design on June 20, 1782.

The design on the shield of the Great Seal can be regarded as a somewhat logical outgrowth or development from the pattern of the American flag, adopted June 14, 1777. Hopkinson, who designed the flag, created also the seal design proposed by the second committee. This included a shield with a blue field bearing thirteen *diagonal* white and red stripes. Next, Barton, for the third committee, proposed first thirteen *horizontal* white and red stripes with a blue rectangle bearing thirteen stars in the upper dexter corner, and later the same stripes with a blue border bearing thirteen stars—both clearly showing the influence of the flag. Thomson, with these proposals before him, drew *chevrons* of thirteen red and white pieces on a blue field; but the awkwardness of the uneven number is obvious. Thereupon, with little

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[76] Besides the sources cited elsewhere, the following are specifically noted: Hoffman, ed., *Lee Family Papers*; Lee, *Life of Arthur Lee;* Potts, *Arthur Lee.*

Dr. Louis W. Potts, author of the dissertation, *Arthur Lee—American Revolutionary*, writes that his researches revealed no evidence Lee ever knew Sir John Prestwich. Letter to the author, Oct. 30, 1974.

left to choose from, Barton substituted for the chevrons thirteen *vertical* white and red stripes and a blue chief, which Congress accepted. Such a natural process of development needed no foreign assistance. Furthermore, if Prestwich's alleged suggestion was made known to Thomson, and he liked it, why did Thomson prepare instead a drawing using chevrons on a blue field, but no chief (illustration 14)? And if it was made known to Barton, and he liked it, why did he propose two completely different shields (illustrations 7 and 8) for the third seal committee?

Charles Thomson's reputation for honesty and integrity has been mentioned in an earlier chapter. In a letter he wrote Barton on June 24, 1782, four days after Congress adopted the seal design, the following paragraph is scarcely consistent with a view that the two had just plagiarized an Englishman's idea:

> I enclose a copy of the Device by which you have displayed your skill in heraldic science, and which meets with general approbation.[77]

To sum up, then, the *Harper's* piece by Lossing is not fact, but a mixture of faulty history and sheer fiction. As evidence, it is worthless. The only fact in the case—if one accepts it as such—is the Barritt letter of 1818. According to that letter the only part of the seal design in question was that on the shield: the thirteen white and red stripes and the blue chief. Here one wonders about Barritt's memory at an advanced age and after so many years. In any case, careful and repeated searches of relevant records have disclosed no particle of evidence that Prestwich's suggestion reached anyone in the United States before June 20, 1782. With no satisfactory identification of the American to whom Prestwich spoke, and no evidence that whoever that was passed on Sir John's suggestion (for which no contemporary description has been found), Barritt's missing letter is a weak and unsatisfactory foundation for a story which does not fit the known facts of Great Seal history.

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[77] Mass. Hist. Society, *Proceedings*, 1st series, IX, 352, Sept. 1866. Burnett, ed., *Letters*, VI, 374.

Chapter VII

THE DIE OF 1782

Now that the nation had a device for a Great Seal, the next step was to obtain a seal die and an implement for impressing it. This chapter tells of the acquisition of the die and press, traces their peregrinations until the die was replaced in 1841, and describes how the Great Seal was used and what kinds of documents passed under it between 1782 and 1789.

Acquisition of the First Seal Die

Little has been known until recently as to how and from whom the Government acquired the Great Seal die and press of 1782 except that Charles Thomson probably bought them, presumably in Philadelphia, and that they came into existence sometime between June 20 and September 16, 1782.

Immediately after Congress adopted the device, Thomson sought out an engraver to cut it in metal and someone—perhaps the engraver himself—to supply a suitable press. Almost certainly Thomson did so personally. He knew his way around Philadelphia. And after playing a major part in the creation of the seal design and now about to shoulder the responsibility under the Continental Congress for custody and use of the seal and press, Thomson would scarcely have entrusted the purchase to anyone else. The seal was to be his badge of office, a symbol of rank and importance, and an official possession in which he took immense pride. This becomes clear from the later record of his proprietary attitude toward it. During the remainder of his period of service as Secretary of Congress, Thomson enjoyed his responsibility as custodian of the seal and the designation he assumed as its "keeper". When government under the Articles of Confederation and the Continental Congress came to an end in 1789, he tried to arrange a new position for himself under which he would retain

custody of it. When this failed, he relinquished it reluctantly, delivering the die and press personally into the hands of President Washington.

To whom did Thomson go to have the seal die cut and to obtain a press? A painstaking search of old account books in the National Archives, involving the scanning and turning of many pages of possibly relevant records of the Continental Congress, the General Accounting Office, the Bureau of Accounts (Treasury), and the Department of State failed to disclose the answer. A search of Charles Thomson papers in Washington and Philadelphia and of his published papers[1] and biography[2] proved equally fruitless.

Maurice Brix's printed list of Philadelphia silversmiths and "allied artificers", which includes engravers and die-sinkers active there between 1682 and 1850, yields the names of ten men who, in point of time and by reason of their stated occupations, might possibly have cut the die of 1782. These are John Darragh, who is listed in the first Philadelphia city directories, 1785;[3] Caleb Lownes, who advertised in a Philadelphia newspaper in 1779; John Norman, who advertised in 1774–1779 and died in 1817; James Poupard, who advertised in 1772–1774 and is listed in the directories of 1793–1799; Henry Pursell, who advertised in 1783 and is listed in the directories of 1785; Robert Scot, who advertised in 1781–1785 and is listed in the directories of 1785–1822; David Tew, listed in the directories of 1785; James Trenchard, who advertised in 1777 and is listed in the directories of 1785–1793; John Walters, who advertised in 1779 and 1784; and Joseph Wright, who was chosen in 1793 as the first engraver to the United States Mint at Philadelphia and who died the same year. To this list the following names of engravers (with dates of activity in Philadelphia) can be added from a directory of the book trade in that city to 1820: Robert Aitken (1769–1802); Francis Bailey (1778–1817); H. H. Houston (1769–1798); James Peller Malcolm (from before 1786 to 1793); and Charles Willson Peale (1772–1820).

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[1] "The Thomson Papers, 1765–1816".

[2] Harley, *Charles Thomson*.

[3] There were two Philadelphia directories for 1785: White, *Philadelphia Directory*, and *MacPherson's Directory, for the City and Suburbs of Philadelphia*.

Of the six best known of these engravers, five can be eliminated. James Poupard signed at least some of his seal dies, and the Great Seal die of 1782, which still exists, bears no signature or mark identifying the engraver. Poupard's style, moreover, differs from that of the die of 1782. Likewise, James Trenchard's style differs from that of the die of 1782 (see, for example, his engravings for the obverse and reverse of the seal design for the *Columbian Magazine*, reproduced as illustrations 63 and 64). Joseph Wright was in Europe while the die was being cut. Charles Willson Peale did mezzotint engraving, not die-sinking, and by 1782 he was a prominent Philadelphia portrait painter (see illustrations 10 and 13). Furthermore, Peale's career at this period is well documented, and in the summer of 1782 he was occupied with executing illuminated transparencies, and with painting miniature portraits to pay for the construction of a gallery to house his portrait collection. Robert Aitken was engaged principally in the book business; he has been described as "the outstanding printer of his time" although "but an indifferent engraver". Also, Aitken's account books for the 1780's survive in the collections of the Library Company of Philadelphia, and they give no hint that he was doing die-sinking in 1782.[4]

Of the remaining men who might have cut the die of 1782, the available information marks Robert Scot as the most likely. On the evidence of style alone, this statement might be questionable. At some undetermined date, probably in the early 1790's, Scot & Allardice—the business name used at that time by Robert

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[4] Brix, *Philadelphia Silversmiths*, pp. 27, 64, 76, 83, 84, 91, 101, 103, 106, 112. Brown and Brown, *Directory of the Book-Arts in Philadelphia*, pp. 11, 15, 63, 81, 93. The Houston listed by Brown and Brown is perhaps identical with the Henry Houston named in Brix, p. 52, with the statement that he died in 1799. Concerning Wright, see *Dict. Amer. Biog.*, XX, 559; Chamberlain, *American Medals and Medalists*, pp. 69–74 (the latter source places Wright in Europe until Oct. 1782). Concerning Peale, see *Dict. Amer. Biog.*, XIV, 344–347; Sellers, *Charles Willson Peale*, pp. 190–192 and *passim;* Sellers, "Portraits and Miniatures". Concerning Aitken, see *Dict. Amer. Biog.*, I, 131–132; Sellers, "Portraits and Miniatures", p. 23. The only possible connection between Aitken and the Great Seal shown in his accounts is the fact that he sold William Barton two quires of paper for 6 shillings on May 7, 1782—just at a time when Barton was doing his work for the third seal committee. Waste Book of Robert Aitken, "Printer & Bookseller of Philadelphia", p. 375, Ms. Collections of the Library Company of Philadelphia housed in the Hist. Society of Pa.

Scot and Samuel Allardice—produced an engraved membership certificate for the Association of Journeymen Hatters of the City and Liberties of Philadelphia. A prominent part of its design was an uncrested eagle, displayed with wings inverted (that is, with wing tips down), with a hat in its beak and a shield on its breast. The shield (the top drawn not with a straight line but with two curved lines that met to form a point in the middle) had the chief and thirteen vertical stripes of the Great Seal device. Scot & Allardice used this identical design, including even the hat in the eagle's beak, for another membership certificate inscribed "*True Assistant Society of Philadelphia, Instituted Feb. 26 1795*".[5] The design of these two certificates differs in many important details from the device engraved on the Great Seal die of 1782, described later in this chapter. The certificates were prepared much later than the seal die, however, and there is no indication that Scot himself had a hand in designing or engraving them.

To offset a negative judgment based solely on style, there is positive evidence, discovered on a reexamination of Charles Thomson's papers, that connects Thomson with Robert Scot. In a postscript of April 4 to a letter written from New York on April 3, 1785, to his wife in Philadelphia, Thomson made this statement:

> I enclose an account of Scot for engraving the seal and shall be much obliged if you will pay it & take his rec[t]—William knows where he lives.[6]

The identity of "William" is uncertain. In 1790, according to census records, Thomson's household, in Montgomery County, consisted of four free white males of sixteen years or more, including Thomson himself; three free white females; and four other free persons. Perhaps William was a servant, or possibly Thomson's brother of that name. Thomson had no living children; twins by his first wife, Ruth Mather, had died in infancy, and he had none

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[5] The coauthor was able to study an example of the Hatters' certificate through the courtesy of Mrs. Marian S. Carson, of Philadelphia. An example of the True Assistant Society's certificate is in the Prints and Photographs Division, L.C., LC–USZ62–54495.

[6] Charles Thomson Papers, Ms. Div., L.C. The author is indebted to Dr. Lee H. Burke, of the Office of the Historian, Dept. of State, for noticing this postscript and bringing it to his attention.

by his second wife, Hannah Harrison, who was forty-six when they married in 1774. Thomson bequeathed his estate to his nephew, John Thomson.[7]

Thomson's reference to "Scot" is certainly to Robert Scot the engraver. As for his reference to "engraving the seal", the date April 1785 seems late for Thomson to have been paying the bill for the cutting of the Great Seal die of 1782. And there is no proof that the reference is to the Great Seal die. No personal seal ordered by Thomson is known, but the reference might possibly be to an official seal for the President of the Continental Congress (a seal discussed in the final section of Chapter XX). On the whole, however, it seems more likely that Thomson's postscript did indeed refer to the Great Seal die of 1782. It appears that Thomson had ordered a seal die in which he was much interested, and now he was paying for it. Whether or not he expected to be reimbursed by the Government for his payment is another unknown. A close search, however, for record of payment or reimbursement of payment for the Great Seal die and press of 1782 came to nothing. Moreover, there were circumstances of the times that might explain the delay in payment for two and a half years. In this period the public finances were in desperate shape; there was general economic distress; and soldiers grown unruly because of overdue pay frightened Congress into withdrawing from Philadelphia in June 1783. This was the beginning of a series of removals by the Government, and of Thomson with it, first to Princeton, then to Annapolis, later to Trenton, and still later to New York City, whence Thomson wrote the letter to his wife.

Thomson's postscript mentions only engraving the seal and nothing about a seal press, although a press would have been necessary if the seal die was to be of any use. And it was used commencing September 16, 1782. Perhaps the press had been supplied by some other person or firm and had already been paid for. On the other hand, seal engravers often furnished presses with their dies, and possibly Scot did so in this case.

In any event, for the first time since anyone has undertaken to write the story of the Great Seal of the United States, a clue

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[7] U.S. Bureau of the Census, *Heads of Families, 1790: Pennsylvania*, p. 157. Harley, *Charles Thomson*, pp. 18, 20, 189, 208.

is at hand as to who may have cut the die of 1782. Granted that Thomson's postscript is not proof, it is one item of evidence that the engraver was Robert Scot.

Robert Scot

Born (it is said) at Edinburgh on October 2, 1745, and trained first as a watchmaker, Robert Scot learned the art of line engraving while apprenticed to an engraver in his native city. His presence in the United States has first been noted in 1778, when he wrote to the Treasurer of Virginia in connection with plates for currency which he was engraving. Two years later, in 1780, Virginia paid him a little over £2,000 for his "services and expences" in detecting counterfeiters of currency. On May 30 of the following year Thomas Jefferson, then Governor of Virginia, asked Scot to engrave a medal intended for presentation to an Indian chief, together with half a dozen extra medals for the same purpose. Commenting on Scot's invoice for £4,760.14.0 in connection with this commission, Jefferson stated that the "workmanship was extraordinary good".

By this time Scot had moved to Philadelphia. In an advertisement in the *Pennsylvania Packet* of May 29, 1781—the day before Jefferson wrote asking for the Indian medals—Scot described himself as "Late Engraver to the State of Virginia" and announced that "he executes that business in all its branches, at his shop, the west side of Front-Street, next door to the corner of Vine street, Philadelphia". It is said that at this time Scot engraved the plates for the subsistence money and bills of exchange and cut the office seals used by Robert Morris, Superintendent of Finance.[8] Morris may have recommended Scot to Thomson.

When Scot cut the Great Seal die of 1782—assuming he did cut it—his shop was probably at the address just mentioned: on the west side of Front Street "next door to the corner" of Vine Street. This was his location at the end of May 1781. By December 1784 he had moved to another house on Front Street, this one "near Race street".

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[8] Stewart, *First U.S. Mint*, p. 9. For a biographical sketch of Morris, see *Dict. Amer. Biog.*, XIII, 219–223.

One gets glimpses of Scot's life and activities between 1781 and 1793 from further newspaper advertisements and from miscellaneous sources. In 1783 he engraved a frontispiece for a Masonic sermon preached by William Smith, D.D., and published by Hall & Sellers. On December 10, 1784, he advertised again in the *Pennsylvania Packet*, this time that "The Map of the United States, by William M^c^Murray, Late Assistant Geographer, Will begin to be issued to the subscribers, next Monday, from the house of Robert Scot, Engraver and Copper-plate Printer, in Front street, near Race street, where those who want to purchase may also be supplied." In 1785 he was paid £16 for engraving he did for the State of Pennsylvania. About this time he "engraved a few fairly well-executed line portraits, including one of Washington, over his own name".

For the two years from April 1785 until April 1787 Scot lived and had his shop in rented quarters on the northeast corner of Chestnut and 2d Streets, Philadelphia. On April 30, 1785, he advertised in the *Independent Gazetteer* (Philadelphia), "Robert Scot, Engraver and Copper-Plate Printer, Is removed to No. 154, in Chestnut-street, N.E. corner of that and Second-street." The *Philadelphia Directory* for 1785 confirms the address. On March 26, 1787, the same newspaper carried this advertisement: "To be Rented. To good Tenants on reasonable Terms, and may be entered upon the 15th day of April next. The house at present occupied by Mr. Robert Scot, Engraver, at the northeast corner" of 2d and Chestnut streets.

Scot took in pupils or apprentices from time to time, one of whom, Samuel Allardice (who died in Philadelphia August 24, 1798), became his chief assistant or partner about this time. The two were evidently pressed with work, for on April 10, 1789, Scot advertised urgently in the *Maryland Journal* (Baltimore) for a journeyman engraver "who understands his Business", promising "long and constant Employment" in Philadelphia. It was at this time that Scot & Allardice began engraving plates for a work entitled *Encyclopædia; or, a Dictionary of Arts, Sciences, and Miscellaneous Literature . . . The First American Edition, in Eighteen Volumes, Greatly Improved. Illustrated with Five Hundred and Forty-two Copper-plates* (Philadelphia, "Printed by Thomas

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Dobson, at the Stone House, No. 41, South Second Street", 1790–1798).[9] The *Pennsylvania Packet* of April 8, 1790, carried an announcement of the publication of the first half of the first volume of the *Encyclopædia*, "Illustrated with Ten Elegant Copperplates, engraved by Scott [*sic*], Philadelphia".

In this period Scot also made engravings of some of the public buildings of Philadelphia and Pennsylvania, which were printed by Hall & Sellers. On May 14, 1792, he advertised in the *Pennsylvania Packet* for an apprentice, giving his address as "Chestnut street, No. 36". This is the address given for him in the *Philadelphia Directory* for 1791.[10]

According to the census of 1790, Robert Scot the engraver residing in Philadelphia, "Chestnut street, South side", had a household consisting of three free white males of sixteen years or more, including himself; one free white male under sixteen; and seven free white females,[11] including his wife, Eunice Beal.

William Dunlap mentions that Thomas Dobson employed Scot to engrave the architectural plates of his encyclopedia and observes that "they are well executed". He goes on to quote the eminent line engraver, Alexander Lawson (1773–1846),[12] about Scot: "He first drew in all his work with a point, and then cut it with the graver. He had no knowledge of animals or figures." The quotation continues with a harshly critical commentary on

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[9] Regarding this work, see Evans, *American Bibliography*, VIII, 27–28; XII, 61–63.

[10] Sources of the information about Robert Scot in the preceding paragraphs are: White, *Philadelphia Directory*, 1785. *Philadelphia Directory*, 1791, p. 114. *Poulson's Advertiser*, Dec. 15, 1823, p. 3. Dunlap, *History of the Arts of Design*, II, 470. Stauffer, *American Engravers*, I, 8, 242–243. Stewart, *First U.S. Mint*, p. 87. Fielding, *Dictionary of American Painters*, p. 324. Prime, *Arts and Crafts, 1721–1785*, p. 27. Prime, *Arts and Crafts, 1786–1800*, p. 73. Groce and Wallace, *Artists in America*, p. 566. Amos, "Chief Mint Engravers", p. 85. Nichols, "Some of the Men", p. 6. Magee, ed., "Robert Scot", pp. 27–28, 31–32. (This biographical sketch, while giving data not available elsewhere, such as Scot's date and place of birth, cites few of its sources.) Jefferson, *Papers* (Boyd, ed.), XVII, 35–36, 43. Quenzel, ed., *Preliminary Checklist*, pp. 99–101, citing McIlwaine, ed., *Journals of the Council of the State of Virginia*, II, 257. Brown and Brown, *Directory of the Book-Arts in Philadelphia*, p. 106. (This source gives seven different addresses for Scot—in Carters Alley, Walnut Street, and 12th Street—during the years 1793–1817, while Scot was employed at the Mint.)

[11] U.S. Bureau of the Census, *Heads of Families, 1790: Pennsylvania*, p. 239.

[12] For a biographical sketch, see *Dict. Amer. Biog.*, XI, 56.

Scot's work, particularly his later engraving for the United States Mint.[13] (Perhaps it is worth noting that the comment, "He had no knowledge of animals or figures", is consistent with the scrawny, odd-shaped eagle of the Great Seal die of 1782.)

In a letter of November 6, 1793, Secretary of State Thomas Jefferson asked David Rittenhouse,[14] then Director of the Mint, to recommend someone to replace Joseph Wright, who had died of yellow fever, as engraver to the Mint. Evidently Rittenhouse recommended Scot for the position.[15]

On November 23 Jefferson wrote Scot informing him of his appointment and enclosing his commission, which was dated at Germantown the same day, signed by President Washington, and sealed with the Great Seal.[16] He started at a salary of $1,200 a year, which seems to have remained at that figure throughout his period of service.[17] It was understood, however, that he would do outside work in addition to his duties at the Mint.[18] In fact, he continued to carry on his engraving business, filling orders from private customers and from offices of the Government. For example, Scot engraved the dies for at least two issues of internal revenue stamps issued by the Supervisors of the Revenue. Scot has also been credited with cutting the first die of the Navy Department seal, and the Department of State paid him $9.50 on January 3, 1800, for "a Seal, jacket and handle for ditto, for the Agent of the United States in Jamaica". In 1802 one William

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[13] Dunlap, *History of the Arts of Design*, II, 470. For a biographical sketch of Dunlap, see *Dict. Amer. Biog.*, V, 516–518.

[14] Concerning Rittenhouse, see Chapter IV, p. 49.

[15] Jefferson's letter is in the Thomas Jefferson Papers, B: J35.64, American Philosophical Society, Philadelphia. Rittenhouse's reply has not been found.

Because an application by, or a recommendation for, Scot in connection with this appointment might have mentioned engraving which he had done previously for the Government, the following sources were searched with this possibility in mind, but with negative results: Thomas Jefferson and George Washington Papers, Ms. Div., L.C.; Charles Thomson Papers and the Gratz Collection, Hist. Society of Pa., Philadelphia; Rittenhouse items in the American Philosophical Society collections; early correspondence in the records of the Bureau of the Mint, R.G. 104, N.A.; Applications and Recommendations, miscellaneous file before 1797, D.S., R.G. 59, entry 331, N.A.

[16] Papers Cont. Cong., item 187, folio 162, R.G. 360, N.A. Jefferson's letter is printed in Taxay, *U.S. Mint*, p. 105.

[17] Stewart, *First U.S. Mint*, pp. 31, 79, 87, 96, 97, 172, 174, 188.

[18] Glaser, "Mint Engraver's Homework", p. 29.

Miller was paid $8 "for Robt Scot" for "making & engraving a Steel Die for the use of the Dept of State".[19]

The first coins attributed to Scot as engraver to the Mint were struck in 1794. He was responsible during his career there for coins of most denominations—half cents, cents, dimes, quarter and half dollars, dollars, quarter and half eagles, and eagles—some of his own design, others executed from designs of Gilbert Stuart.[20] Scot's last coins were the 1816 cent (the so-called "Coronet" type, in which the goddess on the obverse has the word "Liberty" inscribed on a coronet) and the gold quarter eagle of 1821.[21] One writer has observed that "the designs of Scot proved to be very unpopular", while another refers to his "fat and frowsy" Liberty and states that from the "crudeness" of his last designs "one suspects that Scot's vision had begun to fail".[22]

John Smith Gardner was assistant to Scot from 1794 to 1796; John Reich, from 1807 until 1817.[23] In a letter of March 25, 1807, to President Jefferson, Robert Patterson, Director of the Mint, wrote, "Our present Engraver, Mr. Scot, though indeed a meritorious and faithful officer, is yet so far advanced in life, that he cannot very long be expected to continue his labors. In the event of his sickness or death, the business of the Institution would probably be stopped for some time, since few, if any one could be found qualified to supply his place except Mr. Reich . . . And, in truth, the beauty of our coins would be greatly improved by the assistance of his masterly hand."[24]

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[19] Magee, ed., "Robert Scot", pp. 28, 31. King, "Seals of Our Nation", p. 41. Contingent Expenses, Day Book, 1798–1820, pp. 58, 128, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[20] For a biographical sketch, see *Dict. Amer. Biog.*, XVIII, 164–168.

[21] Reed, *Encyclopedia of U.S. Coins*. Cf. the attributions in Nichols, "Some of the Men", p. 6, and Taxay, *U.S. Mint*, pp. 110–113. Fielding's *Dictionary of American Painters*, p. 324, is in error in crediting the 1793 cent to Scot; this is improbable in view of the date of Scot's appointment, and Taxay, p. 104, states that the dies for this coin were probably cut by Adam Eckfeldt.

[22] Nichols, "Some of the Men", p. 6. Taxay, *U.S. Mint*, pp. 107, 109. For other criticisms of Scot's work, see Taxay, *U.S. Mint*, pp. 106–107; Stewart, *First U.S. Mint*, pp. 106, 108. Cf. Vermeule, *Numismatic Art in America*, pp. 28–30, 34–35.

[23] Stewart, *First U.S. Mint*, pp. 93–94. Taxay, *U.S. Mint*, pp. 107–109. Concerning Reich, see Chamberlain, *American Medals and Medalists*, pp. 54–63.

[24] Du Bois, *Our Mint Engravers*, p. 4. For a biographical sketch of Patterson, see *Dict. Amer. Biog.*, XIV, 305–306.

Du Bois, who knew men who had known Scot, wrote of him that "at the time of his appointment he seems to have been turning the down-hill of life. He is remembered as rather under size, and as an honorable and agreeable gentleman." [25]

In 1802, when it had seemed possible that the Mint might be abolished, Scot had put forward a suggestion—which was forwarded through bureaucratic channels to the House of Representatives—that he "be vested with the exclusive privilege . . . of coining cents of the United States".[26] As the Mint was not abolished, this proposal was never acted upon.

Scot continued in his post as engraver at the Mint through November 1, 1823. Retiring Sunday night, November 2, "apparently in his ordinary state of health", he was "discovered" the next morning "to have recently expired". So Director Robert Patterson reported to President James Monroe in a letter dated at the Mint November 3, 1823.[27] A belated obituary notice, which errs in the date of death, though correct as to the day of the week, reads as follows:

> DIED, Suddenly on Monday, the 30th. [*3d*] ult. Mr. ROBERT SCOT, in the 79th. year of his age. The deceased was appointed by President Washington, Engraver to the Mint of the United States in 1794 [*1793*], and faithfully fulfilled the duties of that office to the day of his death.—With a vigorous mind, Mr. Scot enjoyed the advantage of an excellent education—Through life he was persevering and industrious, strictly moral in all his habits, and truly amiable in his domestic relations—Preserving to the last his capacity for usefulness, he died in the enjoyment of the high respect of his coadjutors, and regretted by all who had a knowledge of his worth.

A Mason and a member of the Society of Friends, Scot was buried in the Quaker cemetery at 5th and Prime Streets, Philadelphia. His heirs were a son, Robert (a mariner), and three daughters.[28] So far as known, no picture of Scot exists.

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[25] Du Bois, *Our Mint Engravers*, p. 3.

[26] Scot's suggestion was made in a letter of Mar. 4, 1802, to Secretary of the Treasury Albert Gallatin. *American State Papers: Finance*, I, 744-745.

[27] Copy enclosed with letter to the author, Aug. 9, 1974, from Mr. Roy C. Cahoon, Assistant Director of the Mint for Public Services, Office of Director of the Mint, Dept. of the Treasury, Washington. Stewart, *First U.S. Mint*, pp. 87, 188.

[28] *Poulson's Advertiser*, Dec. 15, 1823, p. 3. Magee, ed., "Robert Scot", p. 32.

Characteristics of the Die and Press of 1782

If either Thomson or Barton produced a drawing or realization of the final Great Seal blazon for the guidance of the engraver, it has disappeared. And if the engraver himself—perhaps Scot—made a working drawing, it has never been found. Yet it is to be assumed that the preparation of such a drawing and its approval by Thomson (perhaps with Barton's advice) would have been the first step toward the preparation of the seal die. The entire process of designing and engraving the die took almost three months.

By September 16, 1782, the Great Seal die and press were in Thomson's possession in his office in the State House, Philadelphia, where they undoubtedly occupied a place of honor. Congress had anticipated the acquisition of the seal by adopting on the preceding January 28 a resolution directing the Secretary to perform certain duties, among which were "to authenticate all acts and proceedings not specially directed to be authenticated by their President" and "To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct." [29] Thomson was pleased to be entrusted with the custody and use of the new implement.

Neither the press itself nor a picture or description of it survives. Almost certainly, though, it was of the screw-action rather than the lever-action type. This would have been more usual at the time. The press mentioned as repaired in 1792, which may have served for a time both the Great Seal die and the Department of State seal die, was a screw press. The Great Seal press in use in 1820 was likewise of the screw-action type, and no record of a prior replacement of the original press has been found. The available evidence also suggests that the press must have been fairly small and light in weight, for Thomson was able to carry it and hand it to President Washington when he left office; and it seems that there would have been no problem in removing and transporting it when the British occupied Washington in August 1814.[30]

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[29] *Journals*, XXII, 55–57.

[30] See *infra*, pp. 149, 151, 164–165, 168.

The original die of 1782 has been preserved and is now (1976) on display in the main exhibit hall of the National Archives Building in Washington. On the chance that some previously overlooked mark on the die might help to identify its engraver, Frederic A. Greenhut II, Americana Officer, Americana Committee for the National Archives, examined it and reported on August 6, 1974, as follows:

> As I now have custody of the First Great Seal Die for display in our recently established Americana Project, your request regarding examination of this Die to determine whether or not it had any marks on it that might identify an engraver was turned over to this office.
>
> I have, therefore, carefully examined all surfaces of the Die under a 10-power magnifying lens and must report to you that there are no marks on it that might be of assistance to your research in identifying the engraver.[31]

The author examined this die in the Division of Historical Policy Research of the Department of State on April 22, 1948, and the same day wrote a memorandum describing it. At that time the die was fastened in a well preserved red leather case the bottom half of which was lined with white velvet and the top half with white satin. According to this memorandum, the die, which is circular, "appears to consist of a layer of brass $\frac{1}{16}$ inch thick, backed with iron or steel, the brass surface bearing the engraving". Although the case prevented measuring the thickness, the "metal is $2\frac{3}{8}$ inches in diameter; and the device measures $2\frac{5}{16}$ inches from outer edge of border to outer edge of border".[32] For photographs of the die itself and of an impression from the die, see illustrations 20 and 21, respectively.

As will be seen from these photographs, the die of 1782 has a quaintly archaic appearance. Among distinguishing characteristics are the scrawny, awkward eagle, the sheaf of arrows pressing against the outer border, the six-pointed stars in the crest, and the border itself formed of modified acanthus leaves. Heraldically, the engraving departs from the blazon of June 20, 1782, in failing to include in the crest (1) the small dots to represent the color gold (*or*) among the rays of the "glory",

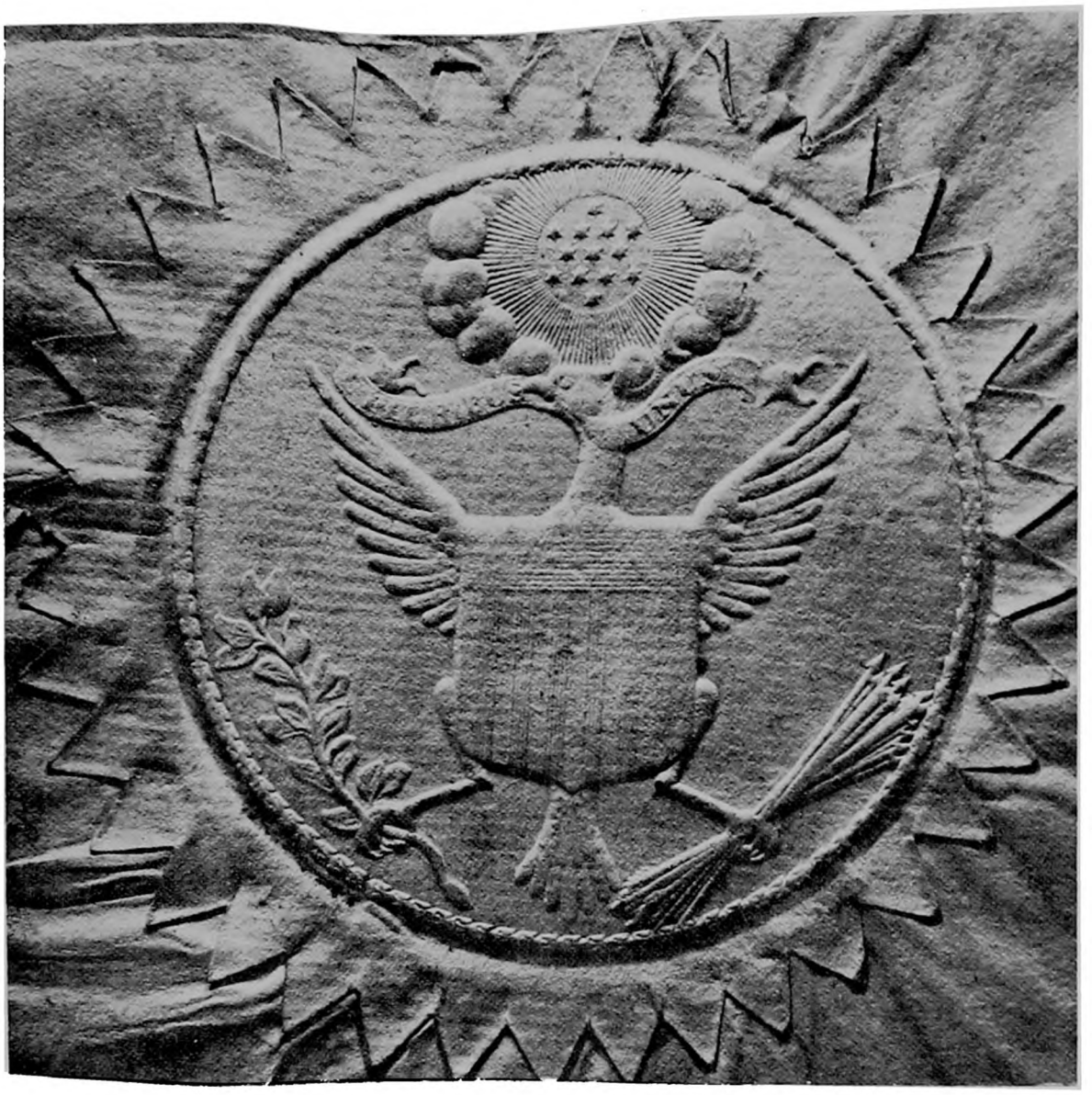
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[31] Letter to the author.

[32] Memorandum in the author's files. Totten, who examined the die in 1882, gives the thickness as ½ inch. Totten, *Seal of History*, I, 225–226.



20. The Great Seal Die of 1782



21. Impression From the Die of 1782

and (2) the shading of horizontal lines to represent the color blue (*azure*) of the "field" under the stars. The eagle is crested, although the American bald eagle has no crest, and the eagle's head protrudes through the cloud surrounding the thirteen stars.

The engraver's treatment of the stars requires further comment. As noted, each star is six-pointed, and each has straight points and what is generally known as a "star of David" shape. There can be no question that this was intentional and that it had Thomson's approval. Throughout the development of the seal device, stars with six points or more had been used in the preliminary drawings—by Hopkinson (illustrations 5 and 6), by Barton (illustration 8), and by Thomson himself (illustration 14). Although no evidence has been found on the subject, it is to be presumed that Thomson approved a preliminary sketch of the die of 1782 before the die was actually cut. On the question of points for the stars, Barton's heraldic knowledge may have been called upon. Guillim's *Display of Heraldry*, with which Barton was familiar, used the word "star" as a synonym for *estoile* (Guillim spelled it *estoil*), and both terms were illustrated by Guillim many times as six-pointed celestial bodies the points of which were made with wavy lines to give them a flaming effect. Guillim used the term "mullet" for five-pointed spurs with straight lines used to make the points. For both stars and mullets, he stated that a blazon must specify the number of points if stars or mullets were to have more than six or five points, respectively. His basic rule was:

> As to the Number of Points whereof a Star consisteth, we must observe, they must never be fewer than six . . .

Antoine Pyron du Martre (known also by the pseudonym Mark Anthony Porny), in his *Elements of Heraldry*, with which Barton was also familiar, was inconsistent in his treatment of stars and mullets. In illustrating celestial bodies, he included one drawing of a "star", which had six points with wavy rays, and one of "*a Star of sixteen points*", also with wavy rays. In illustrating "bordures", however, he showed a border having eight five-pointed "stars" with straight points—but this was on the coat of arms of Lindsay, Earl of Balcarres (in the peerage of Scotland), and Scottish heraldic practice differed from English with respect to stars, *estoiles*, and mullets. Elsewhere in his book,

in no less than eight plates, Pyron du Martre showed mullets with five points, and in one plate he illustrated "*a Mullet of six points*", blazoned as such. Although the seventh of his rules of heraldry was that the "number of the points of Mullets, and the raies of Stars, must be specified when more than five", the blazon for his six-pointed star did *not* specify the number of rays. Furthermore, in the glossary or "dictionary" at the end of the volume, Pyron du Martre noted that a mullet "should consist of five points only . . . whereas Stars consist of six or above", although he stated also that "the French have *Etoiles* of five points, as well as *Mollettes* of six".[33]

The engraver of the Great Seal die of 1782 followed Guillim's rule on this matter—six points in the absence of a specific indication that there should be more—and engraved six-pointed stars. Probably because of the extremely small size of the individual points, he cut the points with straight rather than wavy lines. Thus six-pointed stars were impressed on official documents so long as the die of 1782 was in use—and on instruments of ratification of treaties until 1871 (see Chapter VIII). It may be noted that stars with six points were common in the early history of the American flag and that six-pointed stars were used on some United States coins as late as 1933.[34]

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[33] Concerning Barton's familiarity with the works of Guillim and Pyron du Martre, see Chapter IV, pp. 57, 61*n*. The indented quotation above on the minimum number of points of a star is from Guillim, *Display of Heraldry*, p. 85. Stars or *estoiles* with six wavy points are illustrated *ibid.*, pp. 85–90, 92, 96, 108, 181, 396. Mullets are illustrated *ibid.*, pp. 100-107, 419, 430, 454, 459. Pyron du Martre's drawings of celestial bodies are in *Elements of Heraldry*, plate XIII, facing p. 113, with relevant blazons on p. 116. The arms of Lindsay of Balcarres are on plate III, facing p. 27, with blazon on p. 29. With respect to mullets, see plates IV, V, VI, IX, X, XII, XIII, XIV, facing pp. 33, 40, 46, 68, 79, 104, 113, 118, respectively, with relevant blazons on pp. 34, 41, 43, 49, 70, 74, 84, 85, 106, 116, 117, 121. Pyron du Martre's seventh rule appears on p. 188. The quoted passage from the "dictionary", which has no pagination, is under the definition of mullets; regarding the *etoile* he says in the "dictionary": "The French word for a *Star*, and is by many confounded for a *Mullet*, but some distinguish it by depicting the raies of the Star waved, and those of the Mullet plain." A notation by Barton which indicates that (on another question) he did not consider Pyron du Martre to be one of the "best heralds" has been quoted in Chapter IV, p. 68. For a discussion of *estoiles*, stars, and mullets in English and Scottish usage, see Fox-Davies, *Complete Guide to Heraldry*, pp. 295-296. In 1830, Robson, *British Herald*, I, 59, blazoned the stars in the U.S. arms as "mullets, or stars of six points".

[34] Cooper, *Thirteen-Star Flags*, pp. 5, 10. Mastai and Mastai, *Stars and the Stripes*, pp. 35, 36, 52. Reed, *Encyclopedia of U.S. Coins*, p. 227.

The First Use of the Great Seal

On September 16, 1782, the Great Seal was impressed on an official document for the first time. Undoubtedly Thomson himself operated the press. The document was a full power of that date authorizing General Washington to negotiate and sign with the British an agreement for the exchange, subsistence, and better treatment of prisoners of war. The original parchment document, which is part of the collection of George Washington Papers in the Manuscript Division of the Library of Congress, has from time to time been placed on exhibit in the Library and elsewhere. The seal is in the upper left-hand corner of the document, instead of to the left of the testimonium clause, toward the end of the document, as is now customary. Below the seal are the signatures of John Hanson [35] as President of the Continental Congress and Thomson as Secretary. Because its form and language are of some interest as a precedent, the text is here printed literally and in full from the original document (a photograph of which is reproduced as illustration 22):

[Seal]

John Hanson

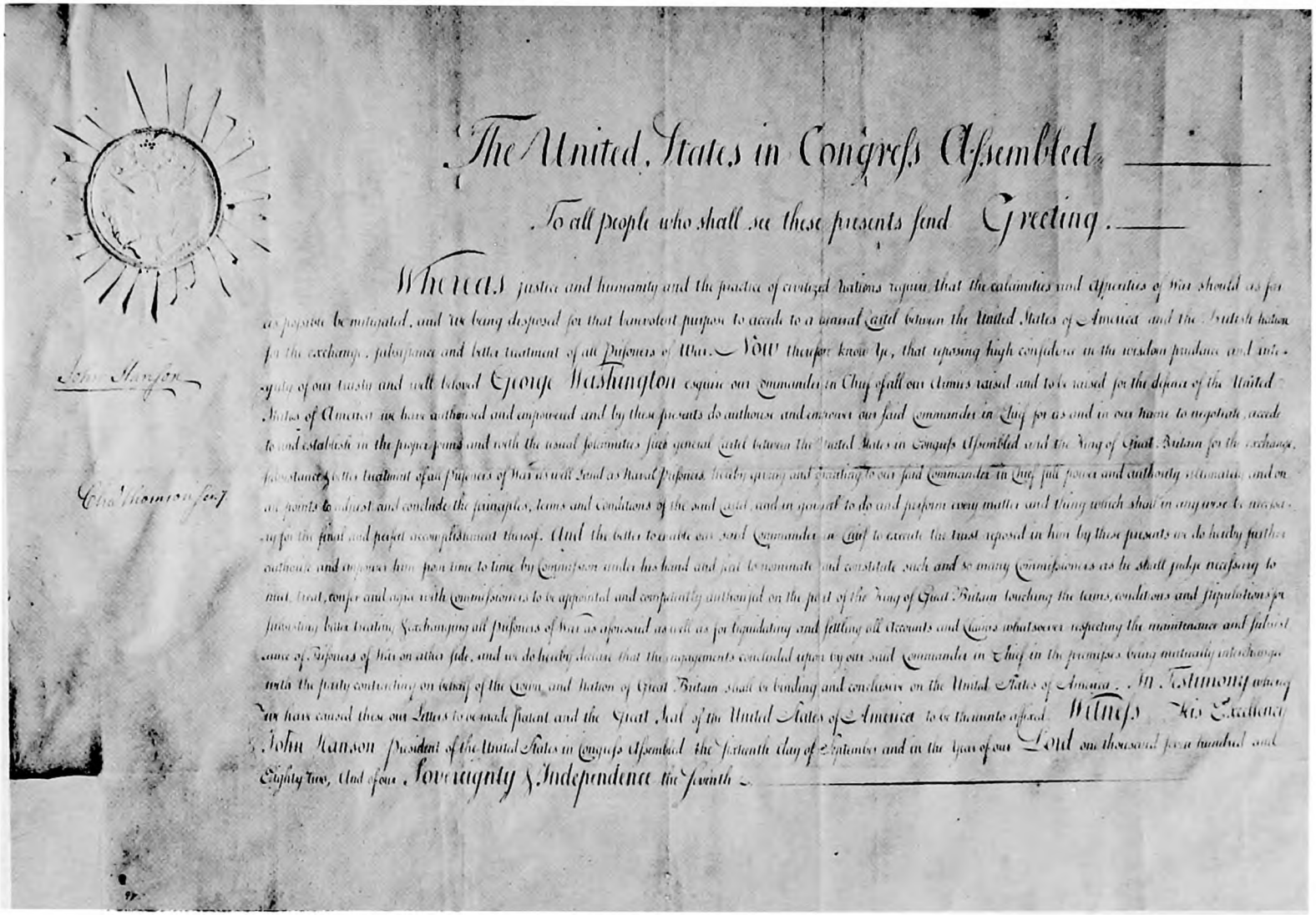
Chas Thomson Sec^{y}

The United States in Congress Assembled———

To all people who shall see these presents send Greeting.———

Whereas justice and humanity and the practice of civilized nations require that the calamities and Asperities of War should be as far as possible mitigated, and we being disposed for that benevolent purpose to accede to a general Cartel between the United States of America and the British nation for the exchange, subsistence and better treatment of all Prisoners of War. Now therefore know Ye, that reposing high confidence in the wisdom prudence and integrity of our trusty and well beloved George Washington esquire our Commander in Chief of all our Armies raised and to be raised for the defence of the United States of America we have authorised and empowered and by these presents do authorise and empower our said Commander in Chief for us and in our name to negotiate, accede to and establish in the proper forms and with the usual solemnities such general Cartel between the United States in Congress Assembled and the King

[35] For a biographical sketch, see *Dict. Amer. Biog.*, VIII, 231–232.



The United States in Congress Assembled

To all people who shall see these presents send Greeting.

Whereas justice and humanity and the practice of civilized nations require that the calamities and Opprobrium of War should as far as possible be mitigated, and we being disposed for that benevolent purpose to accede to a mutual Cartel between the United States of America and the British nation for the exchange, subsistence and better treatment of all Prisoners of War. Now therefore know ye, that reposing high confidence in the wisdom prudence and integrity of our trusty and well beloved George Washington esquire our Commander in Chief of all our Armies raised and to be raised for the defence of the United States of America we have authorised and empowered and by these presents do authorise and empower our said Commander in Chief for us and in our name to negotiate, accede to and establish in the proper forms and with the usual solemnities such general Cartel between the United States in Congress Assembled and the King of Great Britain for the exchange, subsistence & the treatment of our Prisoners of War as well Land as Naval Prisoners hereby giving and granting to our said Commander in Chief full power and authority to make and on our parts to adjust and conclude the principles, terms and conditions of the said Cartel, and in general to do and perform every matter and thing which shall in any wise be necessary for the final and perfect accomplishment thereof. And the better to enable our said Commander in Chief to execute the trust reposed in him by these presents we do hereby further authorise and empower him from time to time by Commission under his hand and seal to nominate and constitute such and so many Commissioners as he shall judge necessary to meet, treat, confer and agree with Commissioners to be appointed and empowered in the part of the King of Great Britain touching the terms, conditions and stipulations for settling such Cartel, exchanging all Prisoners of War as aforesaid as well as for liquidating and settling all Accounts and Claims whatsoever respecting the maintenance and subsistence of Prisoners of War on either side, and we do hereby declare that the engagements concluded upon by our said Commander in Chief in the premises being mutually interchanged with the party contracting on behalf of the Crown and Nation of Great Britain shall be binding and conclusive on the United States of America. In Testimony whereof we have caused these our Letters to be made Patent and the Great Seal of the United States of America to be thereunto affixed. Witness His Excellency John Hanson President of the United States in Congress Assembled the sixteenth day of September and in the year of our Lord one thousand seven hundred and Eighty two, And of our Sovereignty & Independence the Seventh.

John Hanson

Chas Thomson Sec.y

22. Full Power Issued to Washington (1782), Impressed With the First Seal Die

> of Great Britain for the exchange, subsistance & better treatment of all Prisoners of War as well Land as Naval Prisoners, hereby giving and granting to our said Commander in Chief full power and authority ultimately and on all points to adjust and conclude the principles, terms and Conditions of the said Cartel, and in general to do and perform every matter and thing which shall in any wise be necessary for the final and perfect accomplishment thereof. And the better to enable our said Commander in Chief to execute the trust reposed in him by these presents we do hereby further authorise and empower him from time to time by Commission under his hand and seal to nominate and constitute such and so many Commissioners as he shall judge necessary to meet, treat, confer and agree with Commissioners to be appointed and competently authorised on the part of the King of Great Britain touching the terms, conditions and stipulations for subsisting better treating & exchanging all Prisoners of War as aforesaid as well as for liquidating and settling all Accounts and Claims whatsoever respecting the maintenance and subsistance of Prisoners of War on either side, and we do hereby declare that the engagements concluded upon by our said Commander in Chief in the premisses being mutually interchanged with the party contracting on behalf of the Crown and Nation of Great Britain shall be binding and conclusive on the United States of America. In Testimony whereof we have caused these our Letters to be made patent and the Great Seal of the United States of America to be thereunto affixed. Witness His Excellency John Hanson President of the United States in Congress assembled the sixteenth day of September in the Year of our Lord one thousand seven hundred and Eighty two, And of our Sovereignty & Independence the Seventh.———

This was the beginning of Thomson's service as keeper of the seal, which was to continue for not quite seven years. Although one suspects that, at least at first, Thomson operated the Great Seal press with his own hands, he may later have entrusted that responsibility on occasion to the Deputy Secretary or one of the clerks. The Deputy was George Bond, who continued in that capacity until Congress accepted his resignation on October 31, 1783. Thomson's clerks at the time were Henry Remsen, Jr., who was elected Deputy Secretary for Foreign Affairs on March 2,

1784, and Benjamin Bankson, who continued as clerk through the remainder of the Continental Congress period. Bond's successor as Deputy Secretary was Roger Alden, elected June 23, 1785, who entered upon his duties on July 21 and served until 1789.[36] During this period the seat of government, and the Great Seal with it, moved about from place to place; and the seal was used on many different kinds of documents, some of which are usual and familiar in the Department of State today, while others are obsolete and forgotten relics of the past.

Peregrinations, 1782–1789

Ensconced in Thomson's office in the State House, the seal die and press served as a quiet symbol of authority and prestige and perhaps also as a conversation piece. And in the latter months of 1782 and the first half of 1783 the Secretary had occasion to use his new possession from time to time. In June of that year, however, disturbances in Lancaster and Philadelphia by mutinous soldiers disrupted Congress' deliberations and caused its Members to flee from the city, taking the seat of government elsewhere. Its last session in Philadelphia was held on Saturday, June 21, after which it moved to Princeton.[37]

Thomson accompanied Congress on its journey. He took with him only such papers as "the sudden and precipitate removal" permitted. The bulk of his records, together with the Great Seal die and press, he left in his office in the State House.

One of the reasons why Congress chose Princeton was that it had a building large enough to provide a meeting place. Nassau Hall, erected in 1754–1756 in the Georgian style, four stories high and 180 feet long, was the principal building of the College of New Jersey (now Princeton). On completion it had been the largest academic building in the Colonies. Military action during the Revolutionary War had ruined its interior, however, and restoration was still unfinished in 1783. Work had to be done before Congress could use the building.

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[36] *Journals*, XXV, 771; XXVI, 122; XXVII, 474; XXXIV, ix. Platt, *Continental Congress in the New York City Hall*, pp. 16–17. Concerning Alden, see *infra*, pp. 150–152.

[37] *Journals*, XXIV, 410. Fortenbaugh, *Nine Capitals*, pp. 54–56.

Meanwhile, by formal note of June 25, 1783, to the President of Congress, Colonel George Morgan (1743–1810),[38] land speculator, Indian agent, and owner of the estate known as "Prospect", which adjoined the land of the college, offered Congress "the Use of several Buildings, on their own Terms, during their Stay at Princeton. One of them will afford a better Room for them to meet in than they can be immediately accommodated with elsewhere. Any or every part of his Farm & Meadows shall also be at their Command".[39]

Congress accepted Morgan's offer. According to Princeton historian Varnum L. Collins, at least the first three sessions of Congress at Princeton—those of June 30, July 1, and July 2—were held at "Prospect"; and the large room there in which its meetings were held was afterward known as "the Congress Room". In general, Congress insisted on having Thomson's office close to its meeting place; and his duties were such as to require that he or members of his staff be constantly at hand. Morgan's invitation was broad enough to have included the Secretary of Congress, and his house and buildings were large enough to have accommodated the Secretary's staff and essential papers. The handsome house, of two and a half stories, built of stone, with chimneys at either end and three dormer windows, is no longer standing.[40]

In Congress on July 2 an "address of the governors and masters of the college, was read, offering to Congress the use of the hall, library room and every other convenience that the college in its present situation can afford". Thereupon the committee to whom this address was referred, reported; and Congress

> *Resolved*, That the President inform the governors and masters of the college, that Congress entertain a proper sense of their obliging offer, and accept the use of such parts of the college as are immediately necessary for their session, and for the officers attending them during their stay at Princeton.[41]

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[38] For a biographical sketch, see *Dict. Amer. Biog.*, XIII, 169–170.

[39] Papers Cont. Cong., item 46, folio 67.

[40] Collins, "Prospect Near Princeton", p. 181. Powell, *Historic Towns of the Middle States*, p. 286. Collins, *Guide to Princeton*, pp. 63, 89, 91. Savelle, *George Morgan*, pp. 185, 196, and sketch of the house at "Prospect" facing p. 184. Fortenbaugh, *Nine Capitals*, pp. 9, 59. For a biographical sketch of Collins, see *Who Was Who in America*, I, 246.

[41] *Journals*, XXIV, 423.

The foregoing implies that Congress was still meeting at "Prospect" on July 2; and it indicates that that body expected its officers—of whom Thomson was the chief—to have office space with them in Nassau Hall. Sometime in early July Congress and its Secretary moved into Nassau Hall.

By early August Thomson needed the Great Seal and some of the papers that had been left behind. Accordingly, on or about Saturday, August 9, he returned to Philadelphia, carrying with him an original example of the instrument of ratification of the treaty signed April 3, 1783, with Sweden. In Philadelphia he affixed the Great Seal to the ratification and sent it off to the President of Congress, at Princeton, with a covering letter of August 11 and certain other papers. His letter expressed the expectation that he would receive another example of the instrument of ratification "in a day or two, which shall likewise be sealed and forwarded to your Excellency".[42]

One must note the procedure here, unlike that of today, whereby Thomson affixed the Great Seal and countersigned as Secretary before submitting the document for the signature of the President of Congress. On the original instrument of ratification in the Swedish archives, the "Great Seal and the signatures of Elias Boudinot and Charles Thomson, Secretary, are all in the left margin of the first page".[43]

By August 21 Thomson was back at Princeton. While the records are not specific on the point, there is a strong presumption that he carried with him a quantity of the office records and the Great Seal die and press, to be housed in his office in Nassau Hall.

Congress met in Nassau Hall throughout the remainder of the summer and into the fall. For its regular sessions it used the college library room, which was over the main entrance. For ceremonial occasions, however, it adjourned to the prayer hall or chapel on the main floor, where it received General Washington in public audience in August and accepted the credentials of the first Minister from the Netherlands on October 31.[44] Thomson's office during this time was probably a room or suite of rooms

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[42] Burnett, ed., *Letters*, VII, 256–257.
[43] Miller, ed., *Treaties*, II, 149.
[44] Collins, *Guide to Princeton*, pp. 65–66.

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adjoining the library; and there the Great Seal die and press would have been kept and used.

On November 4, 1783, Congress "adjourned to meet at Annapolis on the 26 day of this present month".[45] During the interim Thomson was in Philadelphia,[46] and presumably he had with him his records and the Great Seal die and press, on their way to the new seat of government.

On the day specified, Wednesday, November 26, 1783, some Members gathered at Annapolis, adjourning from day to day until December 13, when representatives of nine States attended.[47] Their meeting place was the Senate chamber of the State Capitol, or State House, a building well suited to their needs. The State Government had vacated it and had made it available "for the immediate use of Congress and their officers". This building, the cornerstone of which was laid in 1772, is still standing—although since altered and enlarged—on an elevated area called "State Circle" in the center of the city. The main entranceway was through a modest portico, which opened into a spacious hall. To the right was the Senate chamber, and to the left that of the House of Delegates. From the hall two flights of stairs led to offices on the second floor. Restoration of the Senate chamber, where Congress met, gives that room today its original appearance.[48]

The available evidence suggests that Thomson, with his staff and equipment, including the Great Seal die and press, used rooms on the second floor of the State House. While Congress occupied the building, it received Washington's resignation as commander in chief of the Continental Army on December 23, 1783; and it ratified the definitive treaty of peace with Great Britain on January 14, 1784—directing Thomson to affix the Great Seal to three original instruments evidencing that action and also to its proclamation of the treaty, of the same date.[49]

Congress adjourned on June 3, to meet at Trenton on October 30, 1784, leaving at Annapolis a Committee of the States, con-

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[45] *Journals*, XXV, 807.
[46] Burnett, ed., *Letters*, VII, 372.
[47] *Journals*, XXV, 809–810.
[48] Burke, *Homes of the Dept. of State*, p. 10.
[49] *Ibid.* Miller, ed., *Treaties*, II, 151, 156–157. *Journals*, XXVI, 23–30, 34–35, 127. Burnett, ed., *Letters*, VII, 412–413, 416, 417.

sisting of one Member from each State, to manage affairs in the meantime. On June 4 Thomson was granted leave to return to Philadelphia, and Benjamin Bankson, one of his clerks, was ordered to "attend the Committee of the States and make the entries". Through the summer this committee dwindled until it lacked a quorum. Finally, on August 19, those remaining recommended to the Secretary "that the public papers and records should be removed as speedily as may be to Philadelphia, till offices can be prepared for their reception at Trenton". They then departed, leaving the nation without a government. Bankson, with the records, thereupon returned to Philadelphia until time to proceed to Trenton for the reassembling of Congress there. The Great Seal, however, was already in Thomson's care in Philadelphia; he had presumably taken it with him when he had left Annapolis in June. Thomson kept a "letter book" in Philadelphia during the summer of 1784, and in it he recorded (1) the fact that he had affixed the seal of the United States to "Sea Letters granted by the Com^ee^ of the States to John Clarke commander of the ship Hydra"; (2) a letter that he wrote to Bankson at Annapolis on July 20, which indicated that Thomson had the Great Seal with him; and (3) a suggestion sent to the chairman of the Committee of the States that Thomson issue, under the Great Seal, and without the signature of the President of Congress, "exemplifications" of a lost commission that had been granted to commissioners appointed to negotiate with the Indians.[50]

The meeting at Trenton opened on Monday, November 1, without a quorum. The meeting place was the French Arms Tavern, located on the southwest corner of King (now Warren) and 2d (now State) Streets. Erected as a residence in the 1730's, it was the largest and handsomest house in Trenton. In 1784 the New Jersey Legislature leased the building, still the largest in town, for the use of Congress, which met in the "Long Room".[51]

Although the records are not specific, the building was large enough to have accommodated the public officers, including

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[50] *Journals*, XXVII, 555–556, 565, 636–638. Burnett, ed., *Letters*, VII, 585–587. Letter Book, 1784, pp. 17, 21, 22–23, Charles Thomson Papers, Hist. Society of Pa.

[51] Burke, *Homes of the Dept. of State*, pp. 12–13.

Thomson, his staff and equipment, and the Great Seal die and press. Almost certainly the seal was housed in the French Arms Tavern during Congress' stay in Trenton, which extended into December 1784. On Christmas Eve Congress adjourned, to reconvene in New York City in January.[52] The old tavern was razed in the 1830's to make way for a bank building.

There has survived an undated inventory in Thomson's handwriting headed "Shipped on board capt Hide for New York". This paper, after a long list mostly of furniture and household effects, has at the end these four lines:

> Six cases marked Secretary's Office
> N 1. 2. 3. 4. 5. 6
> N 7 a Seal press.—
> The bust of gen[l] Washington [53]

This is evidently the list of items that Thomson shipped by water from Trenton to New York when the Government moved there at this time. The cases marked "Secretary's Office" and numbered from 1 to 6 must have contained the records of Thomson's office. Item N 7, "a Seal press", would have been the Great Seal press with the die of 1782 fixed in it. Thus the press was large and heavy enough to warrant packing as a separate item. From evidence noted below, however, it was not too large or heavy for one man to handle easily.

On Tuesday, January 11, 1785, Congress met in the City Hall, New York City, which, except for the court and jury rooms, had been made available for that purpose.[54] The City Hall occupied the site of the present Federal Hall National Memorial, at Wall and Nassau Streets, a Greek Revival structure built in 1842, originally the Custom House and later the United States Sub-Treasury. A magazine article of 1788 describes the City Hall as a

> . . . brick building, more strong than elegant. It is three stories in height, with wings at each end, and fronts Broad-street, which affords an extensive prospect. The first floor is an open walk, except two small apartments for the doorkeeper and city watch. In the second story of the Eastern wing, is the Assembly-chamber, now occupied by Congress . . .

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[52] *Journals*, XXVII, 710.

[53] Charles Thomson Papers, Ms. Div., L.C., one of a number of miscellaneous papers, mostly undated, between folios 7960 and 7964.

[54] *Journals*, XXVIII, 1, 7–9.

> The Western wing contains a room for the Council or Senate, now occupied by the Secretary of Congress . . .[55]

In a letter to his wife, Hannah Thomson, dated March 22, 1785, the Secretary provides a glimpse of his place of work:

> Upon going to the office on Monday . . . I find we pass our time much in the same manner. you in your parlor in Philadelphia, I in my room, dark and gloomy enough, for it has not even the advantage of looking into the street, at New York . . .[56]

It appears from a paper of February 20, 1788, relating to arrangements for the reception of the Minister of France on February 26, that Thomson's office then adjoined the chamber where Congress met: "That the Heads of the Several Departments of the United States be admitted thro' the office of the Sec^{y} of Congress into the Congress Chamber".[57]

Thomson, with his staff, records and papers, and the Great Seal die and press, occupied a room or rooms in the City Hall until the early part of October 1788. During this time his staff consisted of Deputy Secretary Roger Alden; Benjamin Bankson, a Philadelphian and one of the two clerks, who had served with Thomson since June 18, 1781; John Fisher, of New York, the other clerk, appointed February 5, 1785; and a doorkeeper-messenger.[58]

By letter of September 29, 1788, the mayor of New York notified Congress that the City Hall building was to be extensively remodeled in preparation for its use by the new Congress under the Constitution. On October 2 Congress agreed to a committee report on the subject as follows:

> That it appears from the letter referred to them, that the repairs and alterations intended to be made in the buildings in which Congress at present Assemble, will render it highly inconvenient for them to continue business therein, that it will therefore be necessary to provide some other place for their accommodation, the committee having made enquiry find no place more proper for this purpose than the two Apartments now appropriated for the Office of foreign Affairs. They therefore recommend that the

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[55] "General Description of the City of New York", *American Magazine*, I, 221, Mar. 1788, quoted in Platt, *Continental Congress in the New York City Hall*, pp. 6–7.

[56] Charles Thomson Papers, Ms. Div., L.C.

[57] Papers Cont. Cong., item 23, folios 319–321; also folios 63–64.

[58] Platt, *Continental Congress in the New York City Hall*, pp. 16–17.

said Apartments be immediately prepared for the reception of Congress and the papers of the Secretary.[59]

Since May 1, 1788, John Jay's Department of Foreign Affairs had been occupying, jointly with the War Department, a house on lower Broadway then owned by Walter Livingston. Its exact location is now unknown. On August 14 a committee appointed to "enquire fully into the Proceedings of the Department of Foreign Affairs" made a report to Congress which included the statement that "two Rooms are occupied by this Department, one of which the Secretary reserves for himself and the Reception of such Persons as may have Business with him, and the other for his Deputy and [two] Clerks".[60] On October 2 the Department of Foreign Affairs moved out of this house, and shortly thereafter Congress, together with Thomson and his staff and effects, including the Great Seal die and press, moved from the City Hall into the two rooms Jay's Department had vacated.[61]

The Great Seal in Use, 1782–1789

From original documents to which the Great Seal was affixed (to the extent they can be found), from printed copies of such documents, from record copies and drafts of documents intended for sealing with the Great Seal, and from printed copies of such papers, it is possible to construct with some measure of accuracy and completeness a list of the types or categories of instruments on which the Great Seal was used during the Continental Congress period.

The first document to be sealed with the Great Seal, on September 16, 1782, was the full power to Washington to negotiate and sign with the British an agreement for the exchange, subsistence, and better treatment of prisoners of war, which is printed above in this chapter. Although referred to at the time as a "commission", this is an example of a full power issued to

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[59] *Journals*, XXXIV, 572*n*., 575, 575*n*., 577–578.

[60] *Ibid*., pp. 425–428. For biographical sketches of Livingston, see *Appleton's Cyclopædia*, III, 743–744; *Biog. Direc. Amer. Cong*., p. 1298.

[61] Burke, *Homes of the Dept. of State*, pp. 16–17. Fortenbaugh, *Nine Capitals*, pp. 9, 78, is mistaken in placing the Continental Congress at this time in Fraunces Tavern.

a representative of the Government to negotiate and sign a treaty or other international agreement.

Between September 16, 1782, and the beginning of government under the Constitution, the United States formally ratified nine treaties and other international agreements, and each of the instruments of ratification passed under the Great Seal.[62] The practice thus established for the United States, which was in accordance with that of other nations, has continued to the present time; instruments of ratification of treaties are sealed with the Great Seal.

The practice of proclaiming treaties of the United States was slower in developing, and use or non-use of the Great Seal on such proclamations was at first inconsistent. Of the abovementioned nine treaties, only four were proclaimed in a manner approximating that used today (two of them in a single proclamation); and only one of these proclamations passed under the Great Seal. That one, dated January 14, 1784, was the proclamation of the definitive treaty of peace with Great Britain signed September 3, 1783.[63]

A survey of the printed *Journals of the Continental Congress* discloses documents of the following types or categories, in addition to those already noted, to which the Great Seal was then either certainly or presumably affixed: full powers to negotiate and sign a treaty or treaties (these documents were then often of a hybrid character, part commission and part full power, and were usually called "commissions");[64] full powers to negotiate and sign Indian treaties;[65] proclamations other than those of treaties;[66] commissions of civil and diplomatic officers;[67] letters of credence;[68]

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[62] The nine treaties were: France, July 16, 1782; Netherlands, Oct. 8, 1782 (treaty and convention); Great Britain, Nov. 30, 1782; France, Feb. 25, 1783; Sweden, Apr. 3, 1783; Great Britain, Sept. 3, 1783; Prussia, Sept. 10, 1785; Morocco, June 28 and July 15, 1786. U.S. Treaty Series Nos. 83¼, 249, 250, 102, 83½, 346, 104, 292, 244–1, R.G. 11, N.A. Miller, ed., *Treaties*, II, 48–58, 59–90, 91–95, 96–107, 115–122, 123–150, 151–157, 162–184, 185–227.

[63] Printed in *Journals*, XXVI, 29–30, and in Wharton, ed., *Revolutionary Diplomatic Correspondence*, VI, 755, 756–757.

[64] *Journals*, XXIII, 621–622; XXVIII, 140–141, 145; XXIX, 567–569.

[65] *Ibid.*, XXIX, 736–737.

[66] *Ibid.*, XXV, 703. But another proclamation appears to have been issued without the Great Seal. *Ibid.*, XXVIII, 33, Feb. 2, 1785.

[67] *Ibid.*, XXIV, 376–377; XXVI, 134–135; XXVII, 372–373; XXVIII, 149, 150, 189; XXXIII, 688.

[68] *Ibid.*, XXVIII, 142, 189–190; XXXIII, 689.

letters of recall; [69] other ceremonial letters to heads of foreign states or governments; [70] and sea letters or ships' passports.[71]

It is to be noted that letters of credence, letters of recall, and other ceremonial letters from the Executive to the heads of foreign states or governments do not mention the Great Seal textually, but nevertheless have it affixed to the outside of the envelope or other cover enclosing the document. Accordingly, the documents cited (in footnotes) as examples of these three types, while not mentioning the seal, did have, or at least should have had, the seal impressed on their outside covers.[72] It appears that one letter from the President of Congress to the King of France failed to have the seal so affixed and consequently became the subject of complaint from the French Foreign Minister to Jefferson. Another such letter, in 1787, was, however, properly sealed.[73]

By action on February 12, 1788, Congress authorized Thomson to affix the Great Seal to sea letters, as follows:

> *Resolved* That the Sec^{y}. for foreign affairs for the time being be and he is hereby authorised and directed upon application made to him for that purpose to grant in the usual form Sea letters for any vessel or vessels owned entirely and navigated chiefly by Citizens of the United States and bound on long and distant voyages at his discretion, provided . . . That for this purpose the Secretary for foreign Affairs be and he is hereby instructed to procure a sufficient number of blank Sea letters draughted in the usual form and signed by the president of Congress for the purposes aforesaid; and that the same when filled up be Sealed with the Seal of the United States and certified by the Sec^{y}. of Congress.[74]

An ordinance adopted March 31, 1785, "for the regulation of the Office of the Secretary of Congress", included provisions

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[69] *Journals*, XXXIV, 40–41.

[70] *Ibid.*, XXVIII, 143–145, 458; XXXIII, 689–690; XXXIV, 195–196, 491–492.

[71] *Ibid.*, XXVII, 577–578; XXXIV, 39–40.

[72] See Hunt, *Dept. of State*, pp. 267–269. The record copy of the first ceremonial letter recorded in 1789 has the following note at the end: "Note. The credential and other letters from the President to foreign powers are always sealed on the outside with the Great Seal." Credences, I, 1, D.S., R.G. 59, entry 33, N.A.

[73] Jefferson, *Papers* (Boyd, ed.), XI, 280, 281*n*., 315.

[74] *Journals*, XXXIV, 39–40. A footnote on p. 39 reads, "There is a copy of the resolution, with a usual form of sea letter, in the writing of Thomson, in *Papers of the Continental Congress*, No. 49, pp. 199–201." Two drafts of sea letters, one in the form used before, and one in the form used after, the establishment of the Federal Government, are in Papers Cont. Cong., item 130.

that that officer "shall authenticate all acts and proceedings of Congress not specially directed to be authenticated by their president" and that he "shall keep the great Seal of the federal Union, and cause the same to be affixed to every act, Ordinance or paper Congress shall direct".[75] No example of an ordinance sealed with the Great Seal has been found, however; and this is consistent with the practice since 1789 of non-use of the Great Seal on acts of Congress.

On or immediately after the day the Great Seal was first used, Thomson commenced a record book which he called the "Form Book". In this book he caused to be recorded, or recorded himself, copies of documents of somewhat unusual form or substance that passed under the Great Seal. The first document in the book is a copy of the full power to Washington dated September 16, 1782, which is printed above from the signed and sealed original. A number of the documents are of the hybrid character already mentioned, part commission and part full power to negotiate and sign Indian treaties; and some of these documents name as many as five commissioners in one document. Among other documents are commissions to various civil officers, including one consul and one commercial agent. There are two sea letters, in similar form, one for the ship *Canton*, dated March 22, 1785, and the other for the ship *Hope*, dated January 26, 1786. Yet another document, dated September 13, 1783, is evidently the Continental Congress version of an exequatur, which required subsequent action by the States concerned to make it fully effective. This singular document is worth quoting:

> By the United States in Congress Assembled
>
> It is hereby made known to all whom it may concern, that credence and respect are to be paid to the Chevalier D'Annemours, as Consul General of France for the State of Maryland, the Commonwealth of Virginia, and the States of North-Carolina, South Carolina and Georgia, which States are called upon respectively, by virtue of the powers delegated by the Confederation to the United States in Congress Assembled, to furnish the said Chevalier D'Annemours with their exequatur or notification of his quality, delivering one copy thereof to the said Chevalier D'Annemours and causing another to be published in one or more Gazettes.—

[75] *Journals*, XXVIII, 212–214.

In testimony whereof we have caused our seal to be hereunto affixed-- Witness His Excellency Elias Boudinot President this thirteenth day of September in the Year of our Lord, one thousand, seven hundred and eighty three and of our Sovereignty and Independence the Eighth.

Form of the Exequatur

To All whom it may concern

The Chevalier D'Annemours, having been recognized by the United States in Congress Assembled, as Consul General of France, in the State (or Commonwealth) aforesaid, it is hereby declared, that the privileges, preeminence and authority belonging to such character and Quality are due to him.—[76]

Even more unusual, however, in the history of the Great Seal, are certain forms that passed under that seal with no signature other than Thomson's. He used these forms to authenticate copies made from documents in his files. They carried no date, and Thomson signed them as Secretary of Congress "and Keeper of their Great Seal". One that he signed and sealed on Septemper 13, 1783, read as follows:

To all to whom these Presents shall come.

Know Ye that amongst the Acts of Congress are lodged the judgment or Sentence and other proceedings of a Court of Commissioners duly constituted agreeably to the Articles of Confederation for hearing and determining a controversy between the State of Pennsylvania and the State of Connecticut, annexed to the original Commission granted to them by the United States in Congress Assembled, and returned under the hands and Seals of ye members composing the said court, the whole in the words & figures following—

(here insert the proceedings)

In testimony whereof the United States have caused their great Seal to be affixed to this exemplification, Witness Charles Thomson Esquire their Secretary and keeper of their great Seal.—[77]

Another sealed the same day read:

To All to whom these presents shall come

Know Ye, that among the Archives of the United States in Congress Assembled is lodged an Act and Instrument in the words following—

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[76] "Form Book", Papers Cont. Cong., item 182. Concerning the Chevalier D'Anmours, see Jefferson, *Papers* (Boyd, ed.), XIV, 64*n*. This form was not always used. See Citizen Dannery's Mass. exequatur, Jan. 15, 1794, as French Consul at Boston; copy in the files of the Office of the Historian, D.S.

[77] This form is also recorded in Papers Cont. Cong., item 49, folio 249, in Thomson's handwriting.

(Here insert the ratification of the Provisional
\ Articles with the said Articles in the body thereof

In Testimony whereof the United States in Congress assembled have caused their Great Seal to be affixed to this exemplification— Witness Cha[s] Thomson Secretary of Congress and Keeper of their Great Seal.[78]

To sum up the findings, then, on the kinds of documents that passed under the Great Seal during the Continental Congress period, the list is as follows: (1) instruments of ratification of treaties (in original, duplicate, and sometimes more examples); (2) proclamations of treaties; (3) other proclamations generally; (4) full powers to negotiate and sign treaties, including those with Indian tribes; (5) commissions of civil, diplomatic, and consular officers; (6) hybrid documents, part commission and part full power, sometimes naming two or more officers in one document; (7) letters of credence; (8) letters of recall; (9) other ceremonial letters to heads of foreign states or governments; (10) sea letters or ships' passports; (11) exequaturs; (12) authentications of copies of documents from among the records of Congress. There may have been others.

Some Matters of Form

Although Thomson's continuing service as Secretary of Congress gave a measure of uniformity and consistency to various practices, forms, and styles used by the Continental Congress, the period was nevertheless one of newness, adaptation, experimentation, and trial and error, with colonial and European precedents to serve as guides and models. The drafting of state papers by committees of Congress appointed for particular purposes contributed to the diversity. Consequently, one finds inconsistencies, variations, and differences in form and language in the documents emanating from Congress in this period, despite evidence that Thomson strove otherwise—witness his "Form Book", mentioned above.

The testimonium clause in formal documents serves as an illustration. Such a clause was used before the Great Seal came

[78] A similar authentication is printed in *Journals*, XXV, 985–986.

into existence as well as afterward. One form used before the Great Seal existed read:

> . . . In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth day of July, in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.[79]

Another form of the testimonium clause in this period used the following language:

> Given under our seal, and signed by his Excellency John Hanson, President, in Congress, this 28th day of August, one thousand seven hundred and eighty-two, and in the seventh year of our independence.[80]

In the absence of a national seal, it was not unusual for the President of Congress to affix his personal seal, as Hanson did in the preceding instance. So Henry Laurens as President of Congress sealed the original instrument of ratification of the first treaty made by the United States, that signed February 6, 1778, with France.[81]

Once the Great Seal existed, the testimonium clause used with it varied in its wording from time to time. It varied also in its reference to the seal, sometimes mentioning "our seal" or the "Great Seal", but more often the "seal of the United States" or the "seal of the United States of America"—although Thomson liked the term "Great Seal". There was substantial uniformity, however, in the inclusion of a phrase referring to the year of independence.

The testimonium clause of the original United States instrument of ratification of the contract signed July 16, 1782, with France—probably the first treaty document sealed with the Great Seal—is typical in its wording of most such instruments during the Continental Congress period:

> In testimony whereof we have caused our Seal to be hereunto affixed, Witness his Excellency Elias Boudinot President this twenty second day of January one thousand seven hundred and eighty three and of Our Sovereignty and Independence the seventh.—[82]

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[79] *Journals*, XIX, 222.
[80] *Ibid.*, XXIII, 536.
[81] Miller, ed., *Treaties*, II, 29.
[82] U.S. Treaty Series No. 83¼, R.G. 11, N.A. *Journals*, XXIV, 64.

The following is a clause of different wording used on a proclamation:

> Given under the seal of the United States in Congress assembled, witness his Excellency Elias Boudinot, our President in Congress, this eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States the eighth.[83]

During this period papers that passed under the Great Seal were normally signed by the President of Congress and countersigned or attested by Thomson as Secretary of Congress. The earliest documents bearing the Great Seal—at least those through January 14, 1784—had the seal impressed toward the upper left-hand corner of the first or front page, or in the upper left-hand margin, with the signature of the President of Congress below it, followed by the signature or attestation of Thomson. The instrument of ratification, dated May 17, 1786, of the treaty signed September 10, 1785, with Prussia, is the earliest document noticed that has the Great Seal at the end, following the testimonium clause, approximately in the position used today. The signatures of Nathaniel Gorham, Chairman of Congress in the absence of its President, and John Jay, Secretary for Foreign Affairs, appear to the right of the seal; Thomson's attestation is below it.[84]

Four early treaty documents that passed under the Great Seal deserve a moment's attention. The original instruments of ratification, dated January 23, 1783, of the treaty and convention signed October 8, 1782, with the Netherlands, both have the Great Seal, and under it the signature of the President of Congress, in the upper left-hand margin of the first page, and the signature of Robert R. Livingston, Secretary for Foreign Affairs, at the end, following the testimonium clause, with the usual attestation by Thomson lacking.[85] The original instrument of ratification, dated April 15, 1783, of the preliminary articles of peace signed No-

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[83] *Journals*, XXV, 703. For still other examples of testimonium clauses used with the Great Seal during the Continental Congress period, see *ibid.*, XXIII, 622; XXIV, 66, 67, 377; XXVI, 30, 135; XXVII, 373–374; XXVIII, 141, 149, 150, 189; XXIX, 568–569, 737; XXXII, 363–364; XXXIII, 688.

[84] U.S. Treaty Series No. 292. Miller, ed., *Treaties*, II, 183. For a biographical sketch of Gorham, see *Dict. Amer. Biog.*, VII, 433–434.

[85] U.S. Treaty Series Nos. 249, 250. Miller, ed., *Treaties*, II, 89, 95.

vember 30, 1782, with Great Britain, has the Great Seal in the upper left-hand corner of the first page, while the signatures of the President of Congress and the Secretary for Foreign Affairs and the attestation by Thomson are at the end, following the testimonium clause.[86] The original instrument of ratification, dated January 14, 1784, of the definitive treaty of peace which followed, likewise had the seal on the first page, in the upper left-hand corner. When the British authorities objected to various matters of form in this instrument of ratification, Benjamin Franklin gave the following explanation of the position of the seal:

> . . . The Situation of Seals and Signatures in public Instruments differs in different Countries, though all equally valid, for when all the Parts of an Instrument, are connected by a Ribband whose Ends are secured under the Impression of the Seal, the Signature and Seal wherever placed, are understood as relating to, and authenticating the whole. Our Usage is to place them both together in the broad Margin near the Beginning of the Piece, and so they stand in the present Ratification . . .[87]

Such is the story of the acquisition of the first Great Seal die and press; of the travels of that instrument as it accompanied Congress and its Secretary from place to place; and of its use and the eccentricities thereof during the Continental Congress period. This brings the narrative to a point of major governmental change and a time of transition.

The Seal in the Transition to the New Government

Although the Continental Congress completed its labors on October 13, 1788,[88] Thomson and his staff continued theirs through the period of change-over from government under the Articles of Confederation to government under the Constitution. The other officers under the Continental Congress did likewise, conducting "such business in their respective offices as they considered themselves authorised to do", pending the creation of successor offices under the new government.[89] On March 4, 1789, the first session of the First Congress commenced, although

[86] U.S. Treaty Series No. 102. Miller, ed., *Treaties*, II, 104.

[87] Letter from Franklin to David Hartley, dated at Passy Oct. 16, 1784. Papers Cont. Cong., item 100, II, 220–221. Miller, ed., Treaties, II, 151–156.

[88] *Journals*, XXXIV, ix.

[89] Burnett, ed., *Letters*, VIII, 836–837.

there was no quorum in the House of Representatives until April 1 and none in the Senate until April 6. By direction of the new Congress Thomson journeyed to Mount Vernon in April to notify Washington formally of his election as President. On April 30, on the balcony of the New York City Hall, renamed "Federal Hall", Washington took the oath of office.

Thomson Surrenders the Seal

It may be noted as appropriately here as anywhere that various items written by Thomson in the years from 1782 through 1789, some among the papers of the Continental Congress and some among collections of his own papers, reflect his strong feeling of honor and responsibility at having charge "of the Great Seal the Keeping of which was one of the duties of my Office".[90]

Modest, unassertive on his own behalf, by no means a practical politician, Thomson was reluctant to leave the public service but unable to obtain a post that pleased him in the new government. In a letter to Robert Morris dated at New York April 7, 1789, he described the sort of position he would have liked to have, which combined that of keeper of the Great Seal with that of national archivist. The relevant portion of the letter follows:

> . . . that the keeping of the great seal with the duties thereto annexed and to be annexed, and the custody and care of the papers which belonged to the late Congress be committed to me, this office to be made the depository of the acts laws and archives of Congress; that the same salary be continued to me which the late Congress granted me and my stile be Secretary of the Senate and of the United States or Congress; and that besides necessary clerks, I be allowed a deputy, who if it be the pleasure of the Senate, may be nominated or appointed by themselves to do the ordinary business of the house, so that I may not be under the necessity of attending except on special occasions and when the great business of the Nation is under deliberation. . . .[91]

Thomson actually retained charge of the Great Seal, and he and his staff continued to function as the Office of the Secretary

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[90] This quotation is from an undated statement in Thomson's handwriting probably written in May 1789; printed in Burnett, ed., *Letters*, VIII, 833–835.

[91] *Ibid.*, pp. 829–830. Quoted in part in Harley, *Charles Thomson*, pp. 128–129. See also Jefferson, *Papers* (Boyd, ed.), XVII, 348*n*.–349*n*.

of Congress, until Friday, July 24, 1789. One item of evidence to this effect is the account Thomson submitted early in July for salaries for himself as Secretary and for his staff—Deputy Secretary Roger Alden and the two clerks, Benjamin Bankson and John Fisher—through June 30, 1789, and for remuneration to James Mathews "for taking care of the Secretarys office" to March 1, 1789.[92] Another is Thomson's letter of July 23 to the President, quoted below, in which he mentions having served as Secretary of Congress "to the present time".

On July 23 Thomson penned his letter of resignation, addressing it "To the President of the United States of America", and presented it to Washington in person that day. It read:

> Having had the honor of serving in quality of Secretary of Congress from the first meeting of Congress in 1774 to the present time, a period of almost fifteen years, and having seen in that eventful period, by the interposition of divine Providence the rights of our country asserted and vindicated, its independence declared acknowledged and fixed, peace & tranquility restored & in consequence thereof a rapid advance in arts, manufactures and population, and lastly a government established which gives well grounded hopes of promoting its lasting welfare & securing its freedom and happiness, I now wish to return to private life
>
> With this intent I present my self before you to surrender up the charge of the books, records and papers of the late Congress which are in my custody & deposited in rooms of the house where the legislature assemble, and to deliver into your hands the Great Seal of the federal Union, the keeping of which was one of the duties of my Office, and the seal of the Admiralty which was committed to my care when that board was dissolved
>
> Before I retire I beg leave to recommend to your favour M[r] Roger Alden who was appointed, by the late Congress, deputy Secretary & whom I have found an able & faithful assistant, and M[r] John Fisher who has served as a clerk in the office for several years with diligence and fidelity & who alone remains unemployed.[93]
>
> And now with most sincere and ardent wishes for the prosperity of our country and a fervent prayer for your health and happiness I bid you an affectionate Farewell [94]

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[92] Burnett, ed., *Letters*, VIII, 836.

[93] In a letter to Washington dated at "Harritan" Dec. 25, 1789, Thomson withdrew his recommendation of Fisher. Papers Cont. Cong., item 49, folios 241–242.

[94] This letter, in Thomson's handwriting and bearing his holograph signature, is in Papers Cont. Cong., item 49, folios 215–216. In retirement, Thomson devoted himself to a translation of the Septuagint which appeared in 1808.

One may deduce from the fact that Thomson carried with him and placed in Washington's hands both the Great Seal die and press and the Admiralty seal die and press, that neither instrument was so large, heavy, or cumbersome that one man could not readily handle it. But as Thomson had packed the Great Seal press separately and had listed it as a separate item in his inventory of effects shipped from Trenton to New York in December 1784,[95] the press of this period weighed perhaps about 20 to 25 pounds.

Washington replied in writing the following day, accepting Thomson's resignation, complimenting him on his conduct and services in office, and giving him the following directions:

> You will be pleased, Sir, to deliver the Books, Records & Papers of the late Congress—the Great Seal of the Federal Union—and the Seal of the Admiralty, to M[r]. Roger Alden, the late Deputy Secretary of Congress: who is requested to take charge of them until farther directions shall be given.[96]

Thomson's answer, dated at New York July 25, includes this paragraph:

> Agreeably to your desire I have delivered to M[r] Roger Alden the books, records and papers of the late Congress and enclose herewith his receipt. He will wait upon you to receive the Great Seal of the federal Union and the Seal of the Admiralty which I had the honor of delivering into your hands, to thank you for this mark of your favour and to execute any orders you shall please to give him.[97]

Alden's receipt, to which Thomson refers, bore the same date and was in the following form:

> I acknowledge to have received of Charles Thomson late Secretary of Congress the books, records & papers of the late Congress which were in his custody, and which are deposited in rooms in the house where the Legislature of the United States now Assemble— And agreeably to the request of the President of the United States of America take charge of the same until farther directions shall be given.—[98]

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[95] See *supra*, p. 136.

[96] Original letter, dated at New York July 24, 1789, in Charles Thomson Papers, Ms. Div., L.C. Printed in full in Washington, *Writings* (Fitzpatrick, ed.), XXX, 358–359.

[97] From the original in Papers Cont. Cong., item 49, folios 219–220. Printed in full in Burnett, ed., *Letters*, VIII, 837–838.

[98] Original in Papers Cont. Cong., item 49, folio 223.

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Presumably Alden delivered Thomson's letter and his own receipt to Washington on the day of their date—July 25—and received from Washington in exchange the Great Seal die and press and the Admiralty seal die and press that Thomson had handed the President two days before. With this exchange "the Continental Congress really came to an end".[99]

Where was Thomson's office—now to become Alden's office—at this time? Thomson's letter of July 23 to Washington mentions "the books, records and papers of the late Congress which are in my custody & deposited in rooms of the house where the legislature assemble". Alden's receipt of July 25 is a little more explicit: "the books, records & papers of the late Congress which were in his [Thomson's] custody, and which are deposited in rooms in the house where the Legislature of the United States now Assemble". Although use of the word "house" here seems odd, "the house where the Legislature of the United States now Assemble" could only have been Federal Hall, where Congress had met for the first time under the Constitution on March 4, 1789.[1]

Thomson's office must have moved from Walter Livingston's house on lower Broadway and returned to rooms in Federal Hall as soon as space there became available—probably about May 1, 1789. In New York City in that period leases expired on April 30, and May 1 was moving day. At any rate, by July 1789 Thomson's office, including his books, records, and papers, and the Great Seal die and press, were back in Federal Hall, with Alden in charge following Thomson's resignation. There Alden and later the Department of State occupied two rooms until October 1790.[2]

Roger Alden

Because Roger Alden is a figure of some importance in the story of the Great Seal, his personal background deserves mention. He was born in Lebanon, Connecticut, February 11, 1754, a

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[99] Burnett, *Continental Congress*, p. 726.

[1] Smith, *New York in the Year of Washington's Inauguration*, p. 44. See also Maclay, *Journal*, pp. 1, 3, 4, 5, 7, 30, 43, 58, 154; Carson, "First Congress", pp. 131–132; *Documentary History of the First Federal Congress*, I, 12*n*.

[2] Jefferson, *Papers* (Boyd, ed.), XVII, 597.

great-grandson of John Alden of the *Mayflower*. Educated in New England, he graduated from Yale College in 1773. Joining the 5th Connecticut Regiment as an adjutant January 1, 1777, he attained the rank of major on April 1, 1780. On February 8, 1781, he resigned from the Army, and subsequently he took up the study of law in Connecticut. Elected Deputy Secretary of Congress, he served as Thomson's principal assistant from July 1785 through the remainder of the Continental Congress period.[3] When the Secretary of State was given custody of the Great Seal in September 1789, Alden became one of the two principal or chief clerks in the Department of State, serving first under John Jay and then under Thomas Jefferson.

On July 1, 1790, the Department of State reimbursed Alden "for sundries for the office, among which was the seal for the secretary's office that cost £2.3.4" New York currency.[4] Although the story of the seal of the Department is the subject of a later chapter, this item has a bearing on the Great Seal at this time. The absurdly small price—$5.42 at the prevailing rate of $2.50 to a pound[5]—might have bought a seal die, but hardly a press as well. Furthermore, a record of payment of $2 on March 14, 1792, to one George Breining "for repairing the screw press for the Seals"—the last word being distinctly in the plural—suggests the possibility that the Great Seal die and the Department seal die might then have been interchanged in one press.[6]

Opposing this theory, however, are (1) the inconvenience such an arrangement would have involved; (2) some evidence that Remsen may have used the Great Seal in the office on lower Broadway while Alden used the Department seal in the office in Federal Hall; and (3) a record of payment of 17 cents on

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[3] *Appleton's Cyclopædia*, I, 43. Heitman, *Historical Register*, p. 65. Papers Cont. Cong., item 49, folios 281–282. For a biographical sketch of John Alden, see *Dict. Amer. Biog.*, I, 146–147.

[4] Cash Book, 1785–1795, under date July 1, 1790. Accounts Records, D.S., R.G. 59, entry 230, N.A. Jefferson, *Papers* (Boyd, ed.), XVII, 361.

[5] The rate appears from figures in Cash Book, 1785–1795, under dates Dec. 18, 1790, Jan. 3, 18, 22, 25, and Feb. 21, 1791. Jefferson, *Papers* (Boyd, ed.), XVII, 363.

[6] Cash Book, 1785–1795, under date Mar. 14, 1792. Jefferson, *Papers* (Boyd, ed.), XVII, 368.

August 8, 1794, to S. Crosby "for covering level of the G[t] seal",[7] which suggests a separate press. Although this information leads to no definite conclusion, there was certainly a press for each seal commencing in 1800, when the Department bought a large new one specifically for its own seal.

Alden, whose salary in the Department was only $800 a year, wrote to Jefferson on July 25, 1790, that he was disposed to accept a more attractive position and that, with the Secretary's permission, he would resign his post and leave New York the next day. Reluctantly, Jefferson accepted the resignation the same day.[8]

As for Alden's subsequent history, from 1795 until 1825 he made his home in Meadville, Pennsylvania, working as an agent of the Holland Land Company. In 1822 he applied to his friend President Monroe for a position in government service. On January 20, 1825, he was appointed military storekeeper, United States Army, at West Point. He held this post until his death there on November 5, 1836. Alden was married and had at least one son, Bradford R. Alden (1800–1870).[9]

The Secretary of State Receives Custody of the Seal

John Jay, the Secretary for Foreign Affairs under the Continental Congress, had continued, though "unofficially", to superintend the Department of Foreign Affairs and its successor Department of State until Thomas Jefferson, commissioned Secretary of State by President Washington September 26, 1789, entered upon his duties on March 22, 1790. Jay's office remained in a house on lower Broadway into which it had moved on October 2, 1788, when Congress and Thomson's office had ousted it from its previous quarters. For the use of this house Jay's Department paid rent to one Elias Nexen or Nixon of £40 a year New York currency, or about $100.[10] The act of the new Congress that Washington

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[7] Cash Book, 1785–1795, under date Aug. 8, 1794. The payee was undoubtedly Sampson Crosby, the messenger or office-keeper in the Dept. of State. See Jefferson, *Papers* (Boyd, ed.), XVII, 358*n*.

[8] Jefferson, *Papers* (Boyd, ed.), XVII, 262, 262*n*.

[9] *Appleton's Cyclopædia*, I, 43. Heitman, *Historical Register*, p. 65. Hunt, *Dept. of State*, pp. 94–95, 187, 261. Jefferson, *Papers* (Boyd, ed.), XVII, 349–350.

[10] Cash Book, 1785–1795, under date June 18, 1789.

approved July 27, 1789, creating the Department of Foreign Affairs under the Constitution, made no reference to the Great Seal.[11] The act approved September 15, 1789, however, which provided "for the safe-keeping of the Acts, Records and Seal of the United States, and for other purposes", and which changed the name to "Department of State" and enlarged its duties to cover both foreign and domestic affairs, included these provisions which are relevant here:

> SECTION. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Executive department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.
>
> . . . . . .
>
> SEC. 3. *And be it further enacted*, That the seal heretofore used by the United States in Congress assembled, shall be, and hereby is declared to be, the seal of the United States.
>
> SEC. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States, to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President therefor.
>
> . . . . . .
>
> SEC. 7. *And be it further enacted*, That the said Secretary shall forthwith after his appointment be entitled to have the custody and charge of the said seal of the United States, and also of all books, records and papers, remaining in the office of the late Secretary of the United States in Congress assembled; and such of the said books, records and papers, as may appertain to the Treasury department, or War department, shall be delivered over to the principal officers in the said departments respectively, as the President of the United States shall direct.[12]

The act approved September 15, 1789, absorbed Alden and all that remained of Thomson's office—the books, records, and papers, and the Great Seal die and press—into the new Department of State. In effect, it placed two principal clerks with equal rank and salary in that Department: Henry Remsen, Jr., Jay's

[11] 1 Stat. 28.
[12] 1 Stat. 68.

Under Secretary, and Alden, who had been Thomson's Deputy Secretary. Under Jay, Remsen headed the Foreign Office and Alden the Home Office. This was the organizational set-up when Jefferson assumed his duties; and he continued it, obtaining an act of Congress, approved June 4, 1790, which authorized the employment of "an additional clerk" with "an equal salary, to be paid in the same manner as is allowed by law to the chief clerk".[13]

The act approved September 15, 1789, specifically placed the Great Seal die and press in the hands of the Secretary of State; and it may be that Jay had that instrument transferred from Federal Hall to his office at this time, for the records of its earliest use under the Constitution, from September 9, 1789, to March 22, 1790, when Jefferson assumed his duties, are in Remsen's handwriting, and not Alden's.[14]

The transition from the old government to the new caused no interruption of the nation's foreign relations. At Versailles on November 14, 1788, Thomas Jefferson, then still the Minister Plenipotentiary to France, and the French Foreign Minister had signed a "Convention Defining and Establishing the Functions and Privileges of Consuls and Vice Consuls".[15] President Washington submitted the convention to the Senate on June 11, 1789, and that body gave its advice and consent to ratification on July 29, the first treaty with a foreign nation so acted upon. Washington wished to put the treaty into force but was restrained by uncertainty as to the legal status of the "Great Seal of the United States in Congress assembled". When it became apparent that the above-quoted act of Congress creating the Department of State and placing the seal in its custody would become effective, Washington ratified the consular convention on September 9. In instructions dated September 17, 1789, to William Short,[16] then Chargé d'Affaires at Paris, Jay penned the following explanation:

> It was not until very lately that all Doubts respecting the Seal of the United States were removed, and this Circumstance will account for the Ratification of the Consular Convention having been postponed until then. You will now receive it herewith enclosed, and it is the Desire of

[13] 1 Stat. 126. See Jefferson, *Papers* (Boyd, ed.), XVII, 347–350. See also sec. 5 of the act of Mar. 26, 1790, 1 Stat. 105.

[14] Papers Cont. Cong., item 127, II, 189–218.

[15] Miller, ed., *Treaties*, II, 228–244.

[16] For a biographical sketch, see *Dict. Amer. Biog.*, XVII, 128–129.

the President that you present it for Exchange to the Minister without Delay, and transmit the one you will receive on their Part by the first good Opportunity, that as soon as it shall arrive the Convention may be published and take Effect.[17]

The Great Seal was duly affixed to the original instrument of ratification destined for exchange with the Government of France and to the duplicate instrument retained in the files of the Department of State. It appears that in this instance no full power was issued to Short to exchange the ratifications; such an instrument would likewise have required the Great Seal. The following record of the affixing of the seal on September 9, 1789, in Remsen's handwriting, has been preserved:

The Seal of the United States was this Day affixed to the original & duplicate Ratifications of the Consular Convention, and M[r] Jay took them to the Presidents for Signature, who signed and returned them to M[r] Jay.—[18]

The sealing before signing here recorded is the reverse of the procedure prescribed for commissions and of the traditional and current procedure for other documents. Today the Great Seal is affixed only after the President has signed and the Secretary or Acting Secretary of State has countersigned. According to Remsen's record, however, in this period commissions were usually sealed *before* Jay took them to the President for signing; but most other documents were first signed by the President and then sealed.[19] In the case of the original instrument of ratification of September 9, 1789, there was no countersignature, perhaps because of Jay's interim status. The Great Seal is on the last page of the instrument, to the left of the final clauses, which read as follows, with the words "ninth" and "September" inserted in blanks in Washington's handwriting:

In Testimony whereof I have caused the Seal of the United States to be affixed to these Presents and signed the same with my Hand.

Given at the City of New York the ninth Day of September in the Year of our Lord one thousand seven hundred and eighty nine.—[20]

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[17] Papers Cont. Cong., item 121, folios 325–326. Quoted in Miller, ed., *Treaties*, II, 242.

[18] Papers Cont. Cong., item 127, II, 189.

[19] *Ibid.*, folios 189–218.

[20] U.S. Treaty Series No. 84, R.G. 11, N.A.

Although the original proclamation of the convention is now missing, a newspaper print shows that it was dated April 9, 1790, signed by Washington, countersigned by Jefferson as Secretary of State, and sealed with the Great Seal. Its final clauses read as follows:

> In testimony whereof I have caused the Seal of the United States to be affixed to these presents, and signed the same with my hand. Given at the City of New-York, the ninth day of April in the year of our Lord 1790, and of the sovereignty and independence of the United States the fourteenth.[21]

On June 17, 1790, Jefferson sent the Secretary of the Treasury an estimate, dated the previous day, of the expenses of the Department of State for the year commencing April 1, 1790.[22] This estimate was in three parts: (1) an item for the salary of the Secretary of State; (2) a list of items for "The Home Office"; and (3) a list of items for "The Foreign Office". The list for each office included a figure for "office keeper and messenger", for stationery, and for firewood—implying separate premises; but only the list for the Foreign Office includes a figure for "rent of the office" ($200). The implication of two separate offices, coupled with payment of rent for one but not for the other, is consistent with the view that Remsen's Foreign Office was in the rented house on lower Broadway while Alden's Home Office remained in Federal Hall, the use of which the city government provided without charge. The two buildings would have been only a few blocks apart. (In Jefferson's estimate of December 11, 1790, for the ensuing calendar year, there was no such separation of the two offices;[23] at that time the whole Department was located in one house in Philadelphia.)

In July 1790, Remsen became the sole Chief Clerk of the Department; and certainly at this time, if not before, he had immediate custody of the Great Seal and either operated the press with his own hands or directed its use. After Alden's departure the record he had maintained of commissions made out and of

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[21] *Daily Advertiser* (New York), Apr. 12, 1790; photostat in the treaty file.

[22] Papers Cont. Cong., item 120, IV, 167–168. Hunt, *Dept. of State*, p. 96. Jefferson, *Papers* (Boyd, ed.), XVI, 512–513.

[23] Papers Cont. Cong., item 120, IV, 190–191. Hunt, *Dept. of State*, pp. 96–97. Jefferson, *Papers* (Boyd, ed.), XVIII, 150.

affixings of the Department of State seal shows Remsen's handwriting instead; and Remsen's record, differing in this respect from Alden's, reads as though he himself was affixing both the Great Seal and the Department seal.[24]

Shortly after Alden's departure, Remsen recorded under date of August 5, 1790, this item, of long-term effect in Great Seal history and incidentally an early example of an Executive order:

> M[r] Lear in a Note of this date, mentioned that it is the President's desire that the Year of Independence should be added to the Commissions made out the 3[d] instant, and all public Papers having the Seal of the United States affixed thereto, in future.—[25]

The practice that Washington here specified had already been followed with a large measure of consistency from the first use of the Great Seal in 1782. Although Washington's directive has been observed ever since, the order itself as conveyed in Tobias Lear's note seems to have been lost sight of.

By the fall of 1790 the transition from the old government to the new had been successfully accomplished; Jefferson had settled into the office of Secretary of State; and Remsen, his Chief Clerk, was in immediate charge of the Great Seal die and press. In September the Department of State, and soon afterward the rest of the offices attached to the seat of government, began preparing to move from New York City to Philadelphia. Records relating to the move confirm the fact that the Department's Home Office, which had succeeded to custody of Thomson's books, records, and papers, had been in Federal Hall until this time. On October 5, 1790, the Department paid workmen 14 shillings New York currency "for carting the effects in the city Hall that were to go by land, to the office in Broadway the corporation having required the delivery of the rooms, being nine loads".[26] And in a letter to Jefferson dated at New York October 14, Remsen mentioned that he had had to "attend to the boxing of the cases that were to go by land, which chiefly appertained to the foreign Office,

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[24] Papers Cont. Cong., item 187. The last entry in this volume in Alden's hand is dated July 22, 1790 (folio 80); the first in Remsen's hand, July 23–24, 1790 (folio 80); and the last in Remsen's hand, Mar. 9, 1792 (folio 127).

[25] *Ibid.*, folio 83. Lear's note itself has not been found. Col. Tobias Lear was at this time Washington's secretary; he later served as Consul General at Algiers, 1803–1812. For a biographical sketch, see *Dict. Amer. Biog.*, XI, 76–77.

[26] Cash Book, 1785–1795. Jefferson, *Papers* (Boyd, ed.), XVII, 361.

and also to the packing of the chests in the [City or Federal] Hall (which were likewise to go by land) and the removal of them to the Office in broadway; for the Corporation had required the delivery of the two rooms we occupied in that building."[27]

Peregrinations and Custodians, 1790–1841

The die of the Great Seal cut in 1782 remained in service for nearly fifty-nine years, and it is preserved today. The press or presses in which it was used have not survived, however, and little is known about them. Fragments of information culled from the Department's old accounts records add up to a conclusion that during the period after 1789—and probably before as well—the press was of the screw-action type. While no record has been found within those fifty-nine years of replacement of the original press, one may guess that at some time, in consequence of hard use and frequent moving, it wore out and was discarded for a mechanically improved model. When the die of 1782 was finally retired in 1841, the records show purchase of a new die but not a new press. This implies that the die cut in 1841 was used in an older press—which, nevertheless, may have been fairly new at the time.

The original die and press had traveled extensively between 1782 and 1789. Thenceforth they were to travel perhaps equally far and to have an even greater number of homes as the Department of State moved from New York City to Philadelphia, from building to building there, from Philadelphia to Washington, and then from building to building in the present capital. This section tells of the Department's various homes during this period, of its moves from one to another, and of the travels of the Great Seal die and press with it.[28] At the same time this section endeavors—although not always successfully—to identify the officer or office of the Department charged with custody and use of the Great Seal at any given time during these years.

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[27] Jefferson, *Papers* (Boyd, ed.), XVII, 597.

[28] This section is based in large part on the author's unpublished study entitled *Homes of the American Foreign Office*. The numerous citations of sources in that study are not here repeated. Appropriate citations covering much of the same material, however, are printed in Burke, *Homes of the Dept. of State*, which is based in considerable part on the author's unpublished study.

An act of Congress approved July 16, 1790, included the provision that before Monday, December 6, 1790, all offices "attached to the seat of the government of the United States" were to be removed from New York City to Philadelphia, there to remain until Monday, December 1, 1800.[29]

As time for the move from New York drew near, Jefferson placed Chief Clerk Henry Remsen, Jr., in charge of the Department and set off for Monticello, going by way of Philadelphia and returning to the new capital on November 20, 1790. From October 1 until November 10 the Department was in process of moving. Twenty-one cartloads of its effects were transported by water, and the rest, including nine cartloads from Federal Hall, by land. Perhaps the Great Seal went by land, which was deemed safer. By October 13 the effects that had come by water were moving into a house in Market Street, Philadelphia. Accompanying the effects transported by land, Remsen left New York on October 15.[30] The new home of the Department was at 307 Market Street under the then system of numbering, on the north side of the street.[31]

While the Department occupied the house at 307 Market Street, Remsen resigned effective March 31, 1792, to accept a position as teller with the newly organized Manhattan Company, of New York City. The following day George Taylor, Jr., of New York, who had served as clerk in the Department of Foreign Affairs since 1785 and had been the ranking employee under Remsen, was appointed Chief Clerk. As such he was keeper of the Great Seal for the next six years. The records of the affixing of the Great Seal during this period, so far as they have survived, are in his handwriting; [32] and other sources show the Chief Clerk in charge of the Great Seal as late as January 18, 1798.[33]

On or about April 1, 1793, the Department moved from the house at 307 Market Street, evidently to larger quarters. Ac-

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[29] 1 Stat. 130.

[30] Cash Book, 1785–1795, under dates Oct. 1, 2, 5, 9, 13, 15, and Nov. 10, 1790. Printed in Jefferson, *Papers* (Boyd., ed.), XVII, 361–362. For further information on the Department's move from New York to Philadelphia, see *ibid.*, XVII, 379–381, 498, 518, 595–598; XVIII, 73–74.

[31] Jefferson, *Papers* (Boyd, ed.), XVII, 596; see also pp. 385–386. For a vivid description of the Department's offices at 307 Market Street, constructed from the old accounts records, see *ibid.*, p. 378.

[32] Papers Cont. Cong., item 187, folios 128–216.

[33] Summers, *Outline*, pp. 44, 204.

cording to a city directory published "Towards the middle of the year 1793", Jefferson then had his office at 287 Market Street. This was on the north side of the street between 7th and 8th Streets, where 719 Market Street is today. In this building Jefferson completed his service as Secretary of State on December 31, 1793, and Edmund Randolph took over the office on January 2, 1794. Taylor continued as Chief Clerk and custodian of the Great Seal.

During four days or more in mid-May 1794 the Department was moving from 287 Market Street to a building located on the corner of 6th and Arch Streets—according to one source, on the southeast corner. The removal was well advertised in Philadelphia newspapers, and some of the notices referred to the new location as "the New Buildings"

The Department next moved to a building on North Street, known also as "North Alley" and now as a part of Cuthbert Street. This is the northerly one of two streets, each a block long, which run east and west from 5th to 6th Street between Market and Arch Streets. The notice of this removal that appeared in the Philadelphia *Gazette of the United States* of October 29 and 31 and November 1, 1796, stated that the new location was on "the north side of North alley . . . the third door above Fifth-street". The Department remained in this location until August 31, 1797. Then, because of an epidemic of yellow fever in Philadelphia, it removed temporarily to Trenton, giving up the building on North Street. Taylor continued as Chief Clerk and in charge of the Great Seal.

Because of recurring epidemics of yellow fever in Philadelphia, the Secretary of State removed his office and staff to Trenton from August to November in 1797, 1798, and 1799. In each of those years the furniture, books, and papers of the Department were carted to the Philadelphia waterfront, shipped up the Delaware River to Lamberton (then just south of Trenton, now part of that city), and carted thence to Trenton, and the Department's staff found lodgings there. Later each year the process was repeated in reverse, and the Department resumed its functions in Philadelphia prior to the convening of Congress. In 1797 the Department moved from Philadelphia to Trenton between August 31 and September 5 and returned to Philadelphia between

November 2 and 8. In 1798 it moved to Trenton between August 13 and 18 and returned between November 10 and 16. In 1799 it was in Trenton from about August 29 to about November 1. While there in these three years the Department occupied rooms in the New Jersey State House. In 1799, and perhaps in the earlier years as well, the rooms were on the second floor of that building.[34] Unquestionably, the Great Seal and the Department seal were among the office equipment in those rooms.

Timothy Pickering was Secretary of State throughout this period, and Chief Clerk George Taylor, Jr., remained in charge of the Great Seal until his dismissal for alleged misconduct on February 7, 1798.[35] His successor, Jacob Wagner, of Pennsylvania, appointed the next day, continued for a time in charge of the Great Seal but perhaps later delegated that responsibility to one of his staff. Except briefly at certain times, the record of who had immediate custody of the Great Seal from this point until the second half of the nineteenth century is not entirely clear.

In November 1797, following its return from Trenton, the Department published a notice in the Philadelphia *Gazette of the United States* of November 10, 11, 13, 14, and 16 of its removal from North Alley to 13 South 5th Street. From 1797 until the removal of the seat of government to Washington, the Department rented this house, which was on the east side of the street between Market and Chestnut Streets, sharing it with the office of the Postmaster General. Wagner was Chief Clerk and presumably in charge of the Great Seal during the whole of this period.

On May 15, 1800, pursuant to an act of Congress approved the preceding April 24,[36] President John Adams directed "the several heads of Departments, to take the most prudent and economical arrangements, for the removal of the public offices, clerks and papers, according to their own best judgment, as soon as may be convenient, in such manner that the public offices may be opened in the City of Washington for the despatch of business, by the 15th of June". Between May 15 and June 15, accordingly, the Executive departments moved from Philadelphia to the new capital. On May 27 Charles Lee, Secretary of State ad interim,

[34] Contingent Expenses, Day Book, 1798–1820, p. 48.
[35] See Jefferson, *Papers* (Boyd, ed.), XVII, 358*n*.
[36] 2 Stat. 55.

wrote from Philadelphia that the books and papers of the Department were then packed for removal and that he himself would proceed to Washington the next day. Certain Philadelphia newspapers of May 28 carried a notice that the Department of State "will be removed this day from Philadelphia", and Lee left that morning. By May 31 he was in Washington, and by June 7 the Department was beginning to function there. Its location was in rooms in the "Treasury Department Building"; and some of its effects were deposited in "Lear's Store", a large stone warehouse fronting on the Potomac.

The Treasury Department Building was one of two structures intended to house the Executive branch of the Government, but by June 1800 it alone was ready for occupancy. Its location was east of the White House and on a line with that building's south front, about where the center wing of the present Treasury Department Building stands, while the other building, which was similar to it, had a corresponding location west of the White House. In this building John Marshall, the first Secretary of State to have his office in Washington, entered upon his duties on June 6, 1800. At the time his staff consisted of Chief Clerk Jacob Wagner, seven clerks, and one messenger. So far as known, Wagner still had personal charge of the Great Seal.

After nearly three months in the overcrowded Treasury Department Building, the Department of State moved again, this time into one of a block of houses known as the "Six Buildings". This block was on the north side of Pennsylvania Avenue between 21st and 22d Streets Northwest. Old photographs of the Six Buildings and an adjacent structure show a solid row of seven brick houses, each of three stories plus basement and attic and all of similar though not identical architectural style. The only one of these houses still standing is 2109 Pennsylvania Avenue, now occupied (1976) by a "publick house" called Tammany Hall.[37]

Between August 27 and September 5, 1800, the Department removed its furniture, books, and other effects, including the models belonging to the Patent Office—which was then a part of the Department—from the Treasury Department Building and

[37] The author is indebted to Dr. Lee H. Burke, of the Office of the Historian, Dept. of State, for this information.

Lear's Store and carted them to one of the Six Buildings. No record has been found, however, as to which of the Six Buildings it was, except that it was not number 2107, which was then occupied by the Navy Department. On November 6, 1800, the Department paid the firm of Thompson & Veetch, of Alexandria, Virginia, the sum of $450 for nine months' rent for its house among the Six Buildings. In this house John Marshall completed his service as Secretary of State and Secretary ad interim on March 4, 1801; Attorney General Levi Lincoln filled in as Secretary ad interim; and James Madison entered upon his duties as Secretary on May 2, 1801. Wagner as Chief Clerk presumably still had charge of the Great Seal.

The Department of State remained in its home in the Six Buildings only until it could be accommodated in the building, then under construction, which was variously known as "the New Building", "the War Office", and "the public building west of the President's house". This was the structure, similar in all respects to the Treasury Department Building, which stood west of the White House, where the center wing and west center entrance of the Executive Office (Old State Department) Building are now. About the last week in December 1800, boxes containing models belonging to the Patent Office were moved from the Six Buildings to the still unfinished New Building. Early in May 1801, a few days after Madison had assumed his duties as Secretary, the removal of the rest of the Department began, and it was completed about the middle of June. On May 12 the Department's messenger, John Peter Maul, carried "the large Seal press up two pair of Stairs" in the New Building.[38] This was the Department seal rather than the Great Seal, and it was thus placed in one of the attic rooms.

At first the Department shared the building with the War and Navy Departments, the General Post Office, the City Post Office, and others. In March 1810 it occupied one small fireproof room on the first floor, four rooms on the second floor, and four in the attic. Before 1814 the Patent Office and other offices had moved out of the building, leaving only the State, War, and Navy Departments as its occupants. In this building Robert

[38] Contingent Expenses, Day Book, 1798–1820, p. 111, July 22, 1801.

Smith succeeded Madison as Secretary of State on March 6, 1809, and was in turn succeeded by James Monroe on April 6, 1811; and John Graham,[39] of Virginia, succeeded Wagner as Chief Clerk on July 1, 1807. At some point during this period custody of the Great Seal passed from the Chief Clerk to one of his subordinates.

In 1806–1807 the duties of Stephen Pleasonton, of Delaware, who had been appointed a clerk in the Department February 18, 1800, included making out land patents, all civil commissions, and exequaturs for foreign consular officers in the United States.[40] Since these three types of documents all passed under the Great Seal, Pleasonton may then, and perhaps later until he left the Department, have had charge of the Great Seal. Appointed Disbursing Agent of the Department July 1, 1807, he served in that capacity until March 5, 1817, when he resigned to accept the post of Fifth Auditor of the Treasury.

On August 19, 1814, during the War of 1812, Secretary of State James Monroe, at President Madison's suggestion, left Washington to investigate the British advance on the capital. Sighting the enemy the following day, Monroe sent orders directing the clerks of his Department to save the records. Three of them, Chief Clerk John Graham, Stephen Pleasonton, and Josias W. King, set to work immediately, placing the loose papers and bound volumes in linen bags and loading them onto carts. These records then included, besides those of its own operations since 1789, the Declaration of Independence, the Constitution, the papers of the Continental Congress, and the original laws and treaties. The clerks took them first to a vacant gristmill on the Virginia side of the Potomac two miles above Georgetown; next, because that location seemed unsafe, to Leesburg, Virginia; and then to "Rokeby", a rural mansion south of Leesburg. There the records were stored for "some weeks" in a brick vault.[41] No record has been found as to what was done with the Great Seal and the seal of the Department. Hunt suggests that Pleason-

[39] For a biographical sketch, see *Dict. Amer. Biog.*, VII, 477–478.

[40] Summers, *Outline*, pp. 55, 204. Hunt, *Dept. of State*, pp. 192, 198, 261.

[41] Letter from Pleasonton to William Winder, Aug. 7, 1848, printed in Ingraham, *Sketch of the Events*, pp. 47–49. Carr, "The Document That Traveled", p. 30. "Rokeby Housed U.S. Archives", p. G1. The last source is illustrated with photographs of "Rokeby" and of the entrance to its vault.

ton, before taking the records to Virginia, hid the Great Seal somewhere in Washington. He could equally well, however, have taken it with the records, as had been done in 1797, 1798, and 1799 on the moves from Philadelphia to Trenton and back, as noted above. The Department's seal, however, with its large iron press, might have caused more difficulty. In any case, both seals survived the British invasion.

On August 24, 1814, British forces invaded Washington, and that night and the following morning they burned the Capitol, the White House, and the two Executive office buildings. Of the public building west of the White House only the stone foundations and the brick outer walls remained.

The only known instance of use of the Great Seal at this time was on President Madison's proclamation seeking to rally the American people to the defense of their land. This was dated "at the city of Washington" September 1, 1814, and duly countersigned by Secretary of State James Monroe.[42]

Sometime between September 3 and 9, 1814, the Department moved its records and whatever it had saved of its effects into a house on the south side of G Street between 17th and 18th Streets Northwest, which apparently stood astride the line between the former boys' building and the main building of the Young Men's Christian Association, at 1730–1732 and 1736 G Street, respectively.

The Department of State, with James Monroe at its head, continued to occupy this house until about April 1, 1816; Pleasonton had his office there; and the Great Seal die and press were there. Meanwhile, in 1815, the owner sold the property, together with additional land extending westward to 18th Street, to Tobias Lear. Lear and his son also bought some land to the east, which gave them a total frontage on G Street of about 240 feet. On January 21, 1818, Lear's widow and son sold the whole property to Attorney General William Wirt.[43] Perhaps the house had been enlarged during Lear's ownership, for Wirt, who had a large family, described it as "quite comfortable", and it became

[42] Richardson, *Messages and Papers*, I, 545–546. As Pleasonton had "to proceed to Leesburg occasionally, for particular papers" (Ingraham, *Sketch of the Events*, p. 49), this proclamation may have been sealed at "Rokeby" if the Great Seal was hidden there with the archives.

[43] For a biographical sketch, see *Dict. Amer. Biog.*, XX, 418–421.

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known as the "Wirt Mansion". After a further succession of owners and occupants, the house was torn down about 1889.

An act of Congress approved February 13, 1815, included a provision "That the President of the United States cause to be repaired or rebuilt forthwith, the President's House, Capitol and public offices, on their present sites in the city of Washington".[44] Work on the two Executive office buildings involved extensive patching of the existing outer brick walls and the rebuilding of the roofs and interiors. As repaired, the two buildings were of the same size as the original ones and similar to them in design both inside and out.

By April 1, 1816, the Department of State had moved from the house on G Street into the east end of the second story of the building west of the White House. As before, it shared the building with the War and Navy Departments. At the close of 1817 the Department occupied five rooms on the second floor at the south and east end of the building and four rooms in the attic—space then described as wholly inadequate. There Monroe ended his service as Secretary of State on March 3, 1817, and John Quincy Adams entered upon his duties on September 22. There Pleasonton terminated his service with the Department on March 5, 1817. Presumably one of the Department's rooms on the second floor housed the Great Seal die and press.

Who had charge of the Great Seal immediately after Pleasonton's departure has not been definitely ascertained. The evidence points, however, to Josias W. King—the clerk who, with Graham and Pleasonton, had saved the records in 1814. In March 1825 King's duties included making out all civil commissions. In the following year the clerk who made out diplomatic and consular commissions also had charge of the Great Seal.[45] Comparison of handwriting discloses that the clerk who recorded consular commissions from December 1824 to March 1830 was King, who thus had charge of the Great Seal in 1826. Quite possibly his services in charge of the seal extended from 1817 until his death in 1833.

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[44] 3 Stat. 205.

[45] Summers, *Outline*, p. 205. S. Doc. 109, 21st Cong., 1st sess. (ser. 193), p. 3. Letter to the author, with enclosures, Sept. 23, 1975, from Dr. Milton O. Gustafson, Chief, Diplomatic Branch, Civil Archives Division, National Archives, Washington.

Josias Wilson King had been a clerk in the office of the Clerk of the House of Representatives from the spring of 1797 through 1805. In 1802 both King and his superior, Clerk of the House John Beckley, had sought the post of Librarian of Congress. Beckley received the appointment, but King had the care of the Library as his assistant. Feeling between the two men, of opposite political persuasions, led to King's dismissal as of December 31, 1805. After Beckley's death in 1807, King was one of eight candidates for the Clerkship of the House, and on April 10, 1807, he wrote to President Jefferson applying for the position of Librarian of Congress. He failed to obtain either office, but Secretary of State James Madison appointed him a clerk in the Department of State on July 1, 1807. King left on August 13, 1809, but was reappointed by Secretary James Monroe on January 1, 1812. By 1831 the senior member of the Department's staff under the Chief Clerk, King served until his death on May 18, 1833.[46]

By 1817 the existing public buildings were too small for the expanding offices of the Government. President Monroe's annual message called the problem to the attention of Congress; a committee of the House, after investigating, reported a bill; and the result was an act of Congress approved April 20, 1818, which provided for the erection of "two buildings, suitable for offices of the executive departments, to be placed north of the buildings at present occupied by those departments, and in a line parallel therewith; each of said new buildings to contain forty rooms of convenient size".[47]

Construction proceeded rapidly and was completed in the latter part of 1819. The new buildings stood east and west of the White House and northward of the two older Executive office buildings, where the north wings of the Treasury Department Building and the Executive Office (Old State Department) Building stand now. They came to be known as the "Northeast Executive Building" and the "Northwest Executive Building". The former became the home of the Department of State and the latter

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[46] Berkeley and Berkeley, "John Beckley", pp. 94, 102, 104, 106, 109. Gordon, "Patrick Magruder", pp. 157–159. *Official Register*, 1831, p. 2. Letter to the author, Oct. 14, 1975, from Dr. Gustafson.

[47] 3 Stat. 441.

the home of the War Department, while the old East Building ("Southeast Executive Building") continued to house the Treasury Department until it was destroyed by fire on March 31, 1833, and the old West Building ("Southwest Executive Building") became the home of the Navy Department.

Between August 21 and September 11, 1819, the Department of State moved from the building on 17th Street west of the White House—the Southwest Executive Building—to the new Northeast Executive Building.[48] John Quincy Adams was Secretary of State at the time; and his staff, exclusive of the Patent Office, which was housed elsewhere, consisted of Chief Clerk Daniel Brent,[49] of Virginia, appointed September 22, 1817, nine clerks, one messenger, and one assistant messenger. On moving into the building, the Department occupied eleven rooms on the second floor and six in the attic.

From the second floor of this building sixteen Secretaries of State were to guide American foreign relations through a period of forty-seven years, including those of the Civil War. In this building during that time the Great Seal die and press were located on the same floor not far from the Secretary's office. It is clear that in 1820 the press was of the screw-action type, for on November 3 of that year the Department paid one Jonas Keller $5.50 for "fitting up the screw & table for the great seal". The detailed voucher for Keller's work gives some hints as to the appearance of the instrument at this time. Keller charged $1.50 for "making elastic cushing for press", $2.25 for a "Table cloth" for it, 50 cents for varnishing, 25 cents for brass-headed nails, and $1 for "putting on cloth", et cetera. J. B. Colvin, of the Department of State, certified that the work had been "done by order of the proper authority." [50]

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[48] For an account of this building, see Patterson, "The Department's Home, 1819–1866".

[49] For a biographical sketch, see Brent, *Descendants of Giles Brent*, pp. 136–137.

[50] Contingent Expenses, Day Book, 1798–1820, p. 352. Fifth Auditor's Account No. 862, voucher 336, Nov. 2, 1820, General Accounting Office Records, R.G. 217, N.A.

Shortly after Louis McLane became Secretary of State in 1833, he organized the staff of the Department of State into bureaus, effective June 30 of that year. His order provided that the Disbursing and Superintending Bureau was to have charge of both the Great Seal and the seal of the Department.[51] One suspects that this arrangement, coming only six weeks after the death of Josias W. King, was a stopgap to provide temporary custody for the seals, under experienced supervision, in the "housekeeping" area of the Department —although that area did not prepare documents that passed under the Great Seal. Under this order Edward Stubbs, as chief of bureau, became custodian of the Great Seal for a brief period.

Stubbs, a Democrat, had been appointed clerk in the Department on May 4, 1829, by a fellow New Yorker, Secretary Martin Van Buren, and he had begun his long service as Disbursing Agent in 1831. He survived changes of administration in 1841 and 1845, but, when the Whigs came to power again in 1849, Stubbs was dismissed and replaced by William C. Zantzinger, formerly the copying clerk for the Home Bureau. With President Franklin Pierce's inauguration and the return of the Democrats to control of the Executive, Stubbs was reappointed Disbursing Agent on June 30, 1853, and he served as such until 1861.[52]

Secretary McLane resigned in 1834, and his successor, John Forsyth, reorganized the Department of State effective October 31 of that year. The Great Seal and the seal of the Department were then given into the care of an enlarged Home Bureau, which produced most of the documents that required sealing.[53] Exactly who had charge of the Great Seal under this reorganization is not clear, except that it was one of the clerks of the Home Bureau. There was a rapid turnover among those clerks during the late 1830's, and nothing has been found that would clarify their

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[51] Summers, *Outline*, p. 149. Stuart, *Dept. of State*, pp. 79–80. Register of Miscellaneous Letters Received, A, 7, Accounts Records, D.S., R.G. 59, entry 213, N.A.

[52] Patterson, *Edward Stubbs. Official Register*, 1841, p. 2; 1845, p. 2; 1849, p. 2; 1853, p. 2.

[53] Summers, *Outline*, pp. 206–208. Stuart, *Dept. of State*, p. 82.

individual responsibilities. In September 1841 the senior clerk of the Bureau was Thomas W. Dickins, an Englishman by birth, who had served in the Department since October 1, 1833.[54] It may have been Dickins who was custodian of the Great Seal when the original die of 1782 was retired and a new die installed in April 1841.[55]

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[54] *Official Register*, 1841, p. 2. Personnel card for Dickins, D.S., R.G. 59, entry 370, N.A.

[55] See Chapter IX.

Chapter VIII

THE MASI TREATY-SEAL DIE OF 1825 [1]

Following long-established practice, the European monarchies of the early nineteenth century, and some other governments as well, used pendant seals rather than wafer seals on certain state documents of high ceremony. These documents included particularly their instruments of ratification of treaties destined for exchange with other governments.[2]

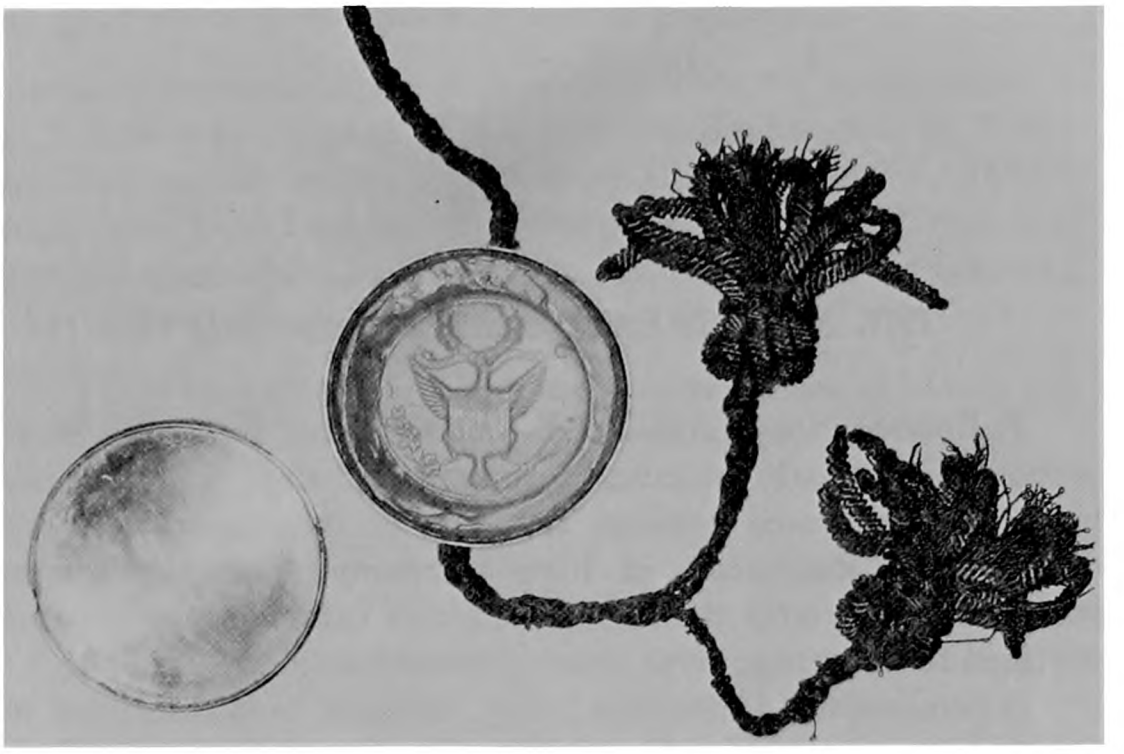
A pendant seal is one that hangs, depends, or is suspended, as opposed to one affixed to the surface of a document or page. Such a seal consists of an impression from a die on a cake of wax, which for protection from damage is enclosed in a metal case, called a "skippet". Seal and skippet are attached to the document by heavy ornamental cords that bind the pages together, pass through wax and case, and terminate in tassels.

Various foreign governments in times past—Great Britain is a notable example—used pendant seals with impressions on both sides of the cake of wax, an obverse and a reverse impression, analogous to the "heads" and "tails" on a coin. In adopting the design for the Great Seal of the United States, the Continental Congress showed its awareness of such usage by providing a reverse as well as an obverse. In actual practice, however, the making of two impressions on one cake of wax is troublesome and expensive; and, once affixed, such a seal is easily damaged. The United States has never used the reverse of its seal in this way, even though it is the manner of use for which the reverse was designed.

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[1] This chapter is based in part on Patterson, *Old Treaty Seal*.

[2] One such instrument of ratification, that of a convention between the United States and France signed at Paris Apr. 30, 1803, and ratified by France May 22, 1803, is shown in a full-page illustration in color in U.S. National Archives, *The 'Art' of Diplomacy*, p. 14. For other pictures of instruments of ratification sealed with pendant seals, see *ibid.*, pp. 6–7, 10, 12, 20, 22, 24, 26, 50. The originals of other such instruments, with their seals, are in the exchange files of the Treaty Series in the National Archives, e.g., Nos. 85, 86, 86a, 86b, 87, 108, 109, 110, 112, 114, 293, 298, 326, 327, and 347, R.G. 11, N.A.



23. Skippet and Pendant Seal (Impressed With the Die of 1782) Affixed (1815) to the United States Instrument of Ratification of the Treaty of Ghent



24. Maker's Mark on the Skippet Shown Above

Pendant Seals Impressed With the Die of 1782

Despite the custom of the royal courts, the United States Government affixed the Great Seal in wafer form until 1815, using the die of 1782. As the War of 1812 came formally to an end, however, the Department of State introduced an innovation. Commencing with the treaty of peace with Great Britain signed at Ghent December 24, 1814, it sealed instruments of ratification intended for exchange with an impression from the die of 1782 attached as a pendant seal.

At the time of the first employment of the pendant seal in United States treaty making, James Madison was President; Secretary of War James Monroe was serving as Secretary of State ad interim; and John Graham, a fellow Virginian, was Chief Clerk of the Department of State. Whose idea it was to use the pendant seal is not of record; but Graham, who would have been more immediately aware than the others of the growing collection of foreign pendant seals in the Department's archives, may have proposed it to Monroe, who may have obtained Madison's concurrence. In any case, an examination of original United States instruments of ratification in the Public Record Office in London indicates that the instrument of ratification (dated February 17, 1815) of the Treaty of Ghent—the earliest known United States document sealed with a pendant seal—had an impression from the die of 1782 on a cake of white wax, enclosed in a small, plain silver skippet 3¼ inches in diameter marked with the design of a bird's head above and below the name "C. A. Burnett". The Department of State purchased this skippet and other fittings for the instrument of ratification from Joseph Milligan, a local printer, bookbinder, and stationer, who presumably subcontracted the manufacture of the skippet to Burnett, an experienced silversmith. On March 13, 1815, Milligan was paid $60 for the Treaty of Ghent fittings, described as follows:

> Portfolio of green cut velvet, lined with orange Silk, tied with red, white, blue and yellow Ribband.—Gold Cord and Tassels, with Silver Box and Seal appendant. (For the Treaty of Ghent.)[3]

[3] Despatch No. 2260 from London, June 16, 1936, file 811.0158/268, D.S., R.G. 59, entry 196, N.A. First Auditor's Account No. 31390, voucher 59, Mar. 13, 1815, General Accounting Office Records, R.G. 217, N.A. This voucher

(Footnote continued on next page)

For photographs of the Burnett skippet and its markings, see illustrations 23 and 24.

The United States instruments of ratification of three later treaties with Great Britain are likewise sealed with pendant seals bearing impressions from the die of 1782. The convention signed at London July 3, 1815, and ratified by the United States December 21, 1815, has the seal impression on a cake of white wax enclosed in a silver skippet 3⅝ inches in diameter. The seal design is engraved on the skippet cover. The convention signed at London October 20, 1818, and ratified by the United States January 28, 1819, has the seal impression on a cake of red wax enclosed in a gold skippet 3⅝ inches in diameter. The seal design is lightly etched on the skippet cover. The convention signed at St. Petersburg July 12, 1822, and ratified by the United States January 9, 1823, has the seal impression on a cake of red wax enclosed in a silver-gilt skippet 4⅞ inches in diameter. The seal design is embossed on the skippet cover. The manufacturers of these skippets have not been identified, although the first of them was supplied by Milligan, who was paid $100 on January 20, 1816, for a "Portfolio of Blue Velvet with Gold Cord & Silver Box appendant for the Seal & Treaty of Commerce with Great Britain".[4]

Although the record is incomplete, certainly the other United States instruments of ratification of the decade from 1815 to 1825 were likewise sealed with pendant seals impressed with

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(Footnote continued from preceding page)

is the earliest record of the purchase of a skippet found anywhere in the archives of the U.S. Government. The coauthor is indebted to Mrs. Joan Sayers Brown, of Washington, and Dr. Virginia Cardwell Purdy, of the staff of the National Archives, for calling his attention to earlier research for the Archives by Dr. Edith James Blendon, who found voucher 59 in R.G. 217. The text of the Treaty of Ghent is printed in Miller, ed., *Treaties*, II, 574–582.

Charles A. Burnett was a local silversmith who had worked for some time in Alexandria, Va., but who moved in 1800 to Georgetown and worked there until his death in 1849. See Brown, "A Sterling Saga", p. B17. In 1815 Burnett was established at 3115–3117 M Street Northwest in Georgetown. Information supplied by the Peabody Library Association, Washington.

[4] Despatch No. 2260 from London. Miller, ed., *Treaties*, II, 585–599, 658–661; III, 91–102. First Auditor's Account No. 34050, voucher 11, Jan. 20, 1816, General Accounting Office Records, R.G. 217, N.A. This voucher also recorded payment of a further $100 to Milligan for identical fittings for a treaty with Algiers. This would have been the 1815 treaty of peace with Algiers, ratified by the U.S. Dec. 26, 1815. Miller, ed., *Treaties*, II, 585–591.

the die of 1782. Fragments of confirming evidence are in the accounts records of the period: (1) payment to George Harrison, Navy Agent at Philadelphia, on May 7, 1818, of $113.50 for "a treaty cover" done at Philadelphia in January 1817; (2) payment to Joseph Milligan on July 18, 1818, of $75 for "fitting up a treaty w.th seal in silver box", engraving, et cetera; (3) payment to Jacob Leonard on April 1, 1819, of $35 each for "4 silver gilt & engraved treaty boxes"; [5] (4) payment to Seraphim Masi on June 5, 1824, of $240 for "4 Seal Boxes for Treaties at $60 each"; and (5) payment to Joseph Milligan on February 23, 1825, of $100 "for a Port Folio & trimmings, for a Treaty". [6]

A Special Pendant-Seal Die

By 1824, nevertheless, the Department deemed the die of 1782 unfit for service in the lofty formality of exchange of treaty ratifications. Its small size—2 5/16 inches in diameter—compared unfavorably with European great seals; and its artistry had been criticized as "very clumsy and awkward". On May 7, 1824, while James Monroe was President and John Quincy Adams Secretary of State, Chief Clerk Daniel Brent wrote to the above-mentioned George Harrison for information about "Artists in Philadelphia capable of engraving a seal" of larger size and "worthy of the United States". Brent went on to ask for "such drawings as can be procured from the best engravers in that City, for a seal in brass, or steel"; and he requested "Estimates from the Engravers themselves, of the whole cost of the work". [7]

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[5] Contingent Expenses, Day Book, 1798–1820, pp. 312, 324, 326, Accounts Records, D.S., R.G. 59, entry 228, N.A. Leonard, who was working in Georgetown at this time, is best known for the inkstand which he made for the House of Representatives, where it is still used whenever the House is in session. He later worked as a watchmaker in Washington and still later moved to Fredericksburg, Va. Brown, "A Sterling Saga", p. B17. Delano, *Washington Directory*, 1822, p. 52. *Washington Directory*, 1827, p. 49. The voucher covering the payment of $113.50 to Harrison in 1818 contains a detailed list of the treaty fittings which he supplied; of the total bill, only $12.50 was for the silver skippet, with an additional $5 for drawing the U.S. coat of arms on it. Fifth Auditor's Account No. 691, voucher 390, General Accounting Office Records, R.G. 217, N.A.

[6] Day Book A, 1824–1826, pp. 9, 34, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[7] Domestic Letters, XX, 364–365, D.S., R.G. 59, entry 99, N.A.

Harrison replied on May 12 and again on May 15. His letters are listed in the index to the "Miscellaneous Letters" series, but the letters themselves are missing. It appears, however, that in the first one Harrison recommended Moritz Furst,[8] a Hungarian engraver and die-sinker who had emigrated from Italy to Philadelphia in 1808 and set up in business there, and that with the second he transmitted a drawing (also missing) which Furst had made for the proposed seal. On May 17 Brent wrote again to Harrison, as follows:

> The seal which we want for this Department, if the Secretary should approve of our getting one, will be used principally for making impressions in wax, and will be very rarely used, if at all for wafers. A reverse Engraving[9] will not for the present, I presume be required. I send herewith an impression of our Seal, which is of brass, now in use, giving a better representation as I think of a constellation, than that proposed by the drawing of the Engraver, Furst. The addition of the words, "North America", proposed by that drawing is not authorised by the ordinance of Congress.[10]

A letter from Furst to the Department dated at Philadelphia May 22, 1824, and enclosing "drawings of the great Seal", is also now missing. Furst's drawings proved unsatisfactory, however, and the Department turned to talent closer at hand.

As a culmination of probably several months of discussions, submission and consideration of drawings, and work of engraving, the Department purchased in Washington the new die it had been seeking. An old volume of accounting records laconically notes that on May 5, 1825, the Department paid Seraphim Masi the sum of $406 "for Treaty Boxes & a great Seal". A slightly more specific record of the same transaction reads, "To S. Masi, for a great seal, and a box for the same, and three treaty boxes", followed by the figure $406.[11] The "treaty boxes", otherwise described as "Seal Boxes for Treaties", were the skippets to

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[8] Regarding Furst, see H. Rept. 133, 20th Cong., 1st sess. (ser. 177); Brix, *Philadelphia Silversmiths*, p. 40; Fielding, *Dictionary of American Painters*, p. 131; Groce and Wallace, *Artists in America*, pp. 246–247; Chamberlain, *American Medals and Medalists*, pp. 26–47.

[9] That is, an engraving of the reverse side of the Great Seal. The engraving of the obverse was of course to be cut "in reverse" so that the device, when impressed on wax, would have the correct appearance.

[10] Domestic Letters, XX, 371–372.

[11] Day Book A, 1824–1826, p. 40. *American State Papers: Finance*, V, 1005.

contain the pendant wax seals; and Masi's price for them at the time was $60 each.[12] Three skippets at $60 each amounts to $180; and that sum subtracted from $406 leaves $226 as the cost of Masi's die in its mahogany box or case. Lost for many years, this seal die is now preserved in the National Archives, a symbol and relic of the Government of the United States of a former time (see illustration 25). It is filed there as part of Record Group 11, General Records of the United States Government.

In the mid-1930's this writer's then chief, Hunter Miller, the Department's Historical Adviser,[13] initiated searches for and inquiries about this seal die, which came to nothing. The die was discovered by chance in the fall of 1947. The Department was then beginning to move out of its many scattered buildings throughout downtown Washington and into what was to become the present Department of State Building. One of the buildings then being vacated was the annex at the rear of 1712 G Street Northwest, which the Department had been using for some five years as storage space. Two officers of the Department's Division of Historical Policy Research, E. Taylor Parks and Moreau B. C. Chambers,[14] assigned to examine and dispose of odds and ends of old files, papers, and rubbish in this annex building, came upon the old treaty-seal die.

The following description of the die is based largely on the author's examination of it in 1947–1948. The die itself is circular, 4 11/16 inches in diameter and 1¼ inches thick, and weighs 6¼ pounds. It is made of steel, except for a band of brass, 15/16 of an inch wide and 1/16 of an inch thick, that is sunk into the circumference flush therewith and flush with the back. A threaded hole in the center of the back, ⅝ of an inch in diameter and ¾ of an inch deep, served perhaps for attaching a handle when desired. The engraved surface (see illustration 25) appears to be as serviceable as ever, scarcely touched by time or wear except for an almost invisible crack running through the upper sinister cloud area. The device—necessarily cut in reverse—differs considerably

[12] Day Book A, 1824–1826, p. 9.

[13] For biographical sketches, see *Register D.S.*, 1942, p. 206; *Encyclopædia Britannica* (1969), XV, 465.

[14] For biographical sketches, see (for Parks) *Who Was Who in America*, IV, 733, and *Register D.S.*, 1964, p. 395; (for Chambers) *ibid.*, 1950, p. 88; *Biographical Directory of Librarians*, 5th ed., p. 178.



25. The Masi Treaty-Seal Die of 1825



26. Impression From the Die of 1825

in appearance from other dies of the seal, particularly in the depiction of the eagle realistically, with its legs and tail turned to one side, giving the impression that it is perched on a branch of a hybrid olive tree on which arrows have been grafted. Strictly speaking, the device is not quite a perfect rendering of the verbal description adopted by Congress in 1782: it lacks the horizontal lines, to represent blue (*azure*), in the upper part of the shield and in the background of the stars in the crest; and it lacks also the scattering of dots, to represent gold (*or*), among the rays of the glory of the crest. The Masi die followed the precedent of the die of 1782 in having six-pointed stars in the crest and in depicting the olive branch in the eagle's dexter talon without fruit. It improved on the original die in showing an uncrested rather than a crested eagle and in the clear definition of the thirteen arrows. The motto *E Pluribus Unum* was placed on a single segment of the scroll, centered above the eagle's head rather than on two segments separated by the eagle's beak.

In 1947–1948 the die was in a mahogany case which must have been made especially for it and which was undoubtedly the "box for the same" that Masi supplied with it. Measuring about 7¾ inches from front to back, 8 inches from side to side, and 2⅝ inches from top to bottom, this case was fitted with two brass hinges and a brass lock the key for which was missing. It was lined with velvet which may once have been purple but which had become faded, stained, and worn. A shallow depression carved in the center of the top of the case, of approximately the shape of the shield on the die but of slightly larger size, was perhaps once filled with a brass inlay. This mahogany case has since been lost or misplaced.

Francesco and Seraphim Masi

Seraphim Masi, the engraver of the treaty-seal die of 1825, was born in Frascati, near Rome (then the capital of the Papal States), about 1802, the fifth of twelve children of Francesco and Rachele (Acanfora) Masi and a grandson of Vincenzo and Marianna (Pegotta) Masi. Seraphim was a descendant in the sixth generation from Antonio and Vittoria Masi, who had come

to Frascati from Alatri in 1529. His father, Francesco, had emigrated with his family to New York City about 1815; and by 1822 they were in Washington. The first Washington city directory, of that year, lists Seraphim as "jeweller and silversmith", with an address on the north side of Pennsylvania Avenue between 9th and 10th Streets Northwest.[15] The directories for 1827 and 1830 list Seraphim as "jeweller, silversmith, and watchmaker" on the north side of Pennsylvania Avenue between 4½ and 6th Streets Northwest.[16] They include identical advertisements, as follows:

New Jewelry and Fancy Store.

SERAPHIM MASI,

A few doors East of the National Hotel, Pennsylvania Avenue, Washington City, Has constantly for sale, Wholesale and Retail, Watches, Clocks, Gold and Gilt Jewelry, Silver and Plated Ware, and Cutlery, together with an Extensive Assortment of Fancy Articles.

☞ Jewelry, Silver, Plate, and Spectacles manufactured and repaired to order—Watches and Clocks repaired at the shortest notice, and warranted—Cash given for old Gold, Silver, and Precious Stones.[17]

Seraphim Masi ran further advertisements for this store in the directories of 1846, 1850, and 1853; and he continued in business at the same location as late as 1855. Through the 1840's and 1850's and seemingly later he also operated a boardinghouse at various places in downtown Washington. And in the directories for 1843 and 1846 he has a third listing, as "jeweller and silversmith" at a location on the north side of Pennsylvania Avenue between 9th and 10th Streets Northwest, near the center of the block. This last was evidently his father's firm, F. Masi & Company, in which, however, Seraphim must have had an interest.[18]

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[15] Delano, *Washington Directory*, 1822, p. 55.

[16] *Washington Directory*, 1827, p. 52. *Washington Directory*, 1830, p. 52 of second pagination.

[17] *Washington Directory*, 1827, p. 108. *Washington Directory*, 1830, p. 108 of second pagination.

[18] Cohen, *Washington Directory*, 1834, p. 36 of second pagination. Reintzel, *Washington Directory*, 1843, p. 57. Gaither and Addison, *Washington Directory*, 1846, p. 60 and unnumbered page among the advertisements. Waite, *Washington Directory*, 1850, pp. 59, 207. Hunter, *Washington Directory*, 1853, p. 66 of first pagination; p. 109 of second. Ten Eyck, *Washington Directory*, 1855, p. 38. Boyd, *Washington Directory*, 1860, p. 111.

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Although F. Masi & Company is listed by that name in the directories for 1834 and 1850 only, the firm existed for more than twenty-six years, and it played an important part in supplying accessories for the old treaty seal. In 1834 it was a "Military and Fancy store", and in 1850 "jewellers and silversmiths". From February 5, 1827, until July 15, 1853, the Department of State was a customer, buying silver skippets—and a few gold ones—and also, from time to time, tassels, clasps, and other "trimmings" used in preparing instruments of ratification for exchange.[19] The firm had its own mold used in the manufacture of skippet covers, which had soldered onto them a device closely copied from that of the treaty-seal die but having a surrounding ornamental border that included twenty-four five-pointed stars or mullets (see illustration 27).[20]

Further information about Seraphim Masi and his family is scanty. About 1828 he married Catharine Bradford, a native of Virginia, born about 1806, by whom he had ten children, seven of whom were at home in 1850, the youngest, Edward Pennyman, then aged one year. Although Seraphim's father, Francesco, is not listed in the 1850 census, his name is in the directory for 1853 with an address in the block where Seraphim lived: E Street between 9th and 10th Streets Northwest. Probably the father then lived with the son and his family. Because F. Masi & Company disappears abruptly from the Department's accounts after July 1853, one guesses that about this time Fran-

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[19] Cohen, *Washington Directory*, 1834, p. 36 of second pagination. Waite, *Washington Directory*, 1850, p. 59. Day Book, 1826–1829, pp. 8, 11, 33, 34, 41; Day Book, Foreign Intercourse, 1833–1850, pp. 3, 6, 41, 42, 46, 47, 95, 113, 137, 204, 230, 242, 257, 262, 273, 306, 342, 381, 397; Journal, Foreign Intercourse, 1851–1861, pp. 55, 60, 92; Day Book, Foreign Intercourse, 1853–1867, p. 3, Accounts Records, D.S., R.G. 59, N.A.

[20] It was formerly believed that the skippet covers were cast. See Patterson, *Old Treaty Seal*, p. 11. The coauthor is indebted to Mrs. Joan Sayers Brown for pointing out that the seal device was prepared separately and soldered onto a plain surface (slightly sunk) on the skippet cover. An incomplete skippet cover to which the device was never affixed (or from which it has been removed) is preserved in Unperfected Treaty file H2, R.G. 11, N.A. Testifying to the Masi craftsmanship and artistry, the Metropolitan Museum of Art in New York has reproduced in brass and in sterling silver (codes 210 and 211) a Masi skippet which entered the museum's collection as a bequest of Mary Stillman Harkness, 1950.

cesco, who must have been in his seventies, went out of business.[21] Neither he nor the company is listed in the next directory, that for 1855. Although no obituary has been found, Francesco evidently died about January 1857, as his will, dated March 10, 1854, was filed and proved February 3, 1857.[22] Seraphim's only listing in the 1860 directory is at his boardinghouse, 461 9th Street Northwest. The census of 1880 lists him as a retired jeweler and his wife as keeping house and running a boardinghouse.[23]

No picture of Seraphim Masi is known to exist. A great-granddaughter, however, Miss Elizabeth J. Masi, of Arlington, Virginia, owns portrait-type pictures of Seraphim's father and mother, Francesco and Rachele, and a group photograph of the parents with his various brothers and sisters, taken in New York City probably after Seraphim came to Washington.[24] The picture of Francesco is reproduced as illustration 29.

Incidentally, according to Miss Masi, she and at least some other living descendants of Seraphim pronounce the surname as if it were *Massey*—to rhyme with *lassie* or *sassy*.[25]

The Masi Treaty-Seal Die in Use

Seraphim Masi's treaty-seal die was in service for forty-six years. So far as can now be ascertained, Chief Clerk Daniel Brent was the one who took the initiative in obtaining it, hoping to get the Secretary of State's approval (see his letter of May 17, 1824, to George Harrison, printed above). Brent continued in office as Chief Clerk until August 22, 1833. During that time, it

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[21] Seventh Census, 1850, D.C., Fourth Ward, home No. 183, p. 231. Hunter, *Washington Directory*, 1853, p. 66 of first pagination. Letter to the author, Apr. 25, 1974, from Mr. Philip M. Masi, Olean, N.Y., great-grandson of Seraphim, enclosing a typewritten copy of "Genealogical Tree of Antonio Masi of Frascati, Who Came from Alatri in Italy—1529". A biographical sketch of Francis Edward Masi, who was a son of Edward Pennyman Masi, a grandson of Seraphim Masi, and an uncle of Mr. Philip M. Masi, is in Proctor, *Washington, Past and Present*, V, 1018.

[22] Ten Eyck, *Washington Directory*, 1855. No. 3805–4180 OS, Register of Wills, Washington.

[23] Boyd, *Washington Directory*, 1860, p. 111. Tenth Census, 1880, D.C., vol. 3, enumeration district 47, p. 32.

[24] Letter to the author, Feb. 21, 1974, from Miss Masi.

[25] Letter to the author, July 21, 1975.



27. Cover of a Masi Skippet



28. Cover of a Lewis Skippet

seems a fair guess that Brent retained custody of the die and directed its use. Brent's departure from the Department of State coincided with the creation of formal subdivisions there, one of which was the Diplomatic Bureau.[26] Thenceforth that Bureau, the duties of which included the preparation of treaties for signature, ratification, and exchange, was the logical repository of the die. Following its division into the First and Second Diplomatic Bureaus in 1870, the chief of the First Diplomatic Bureau had charge of the die in its final months of use.

The Masi die was never, so far as known, impressed otherwise than as a pendant seal; and it was reserved almost, though not quite, exclusively for use on original instruments of ratification of treaties destined for exchange with foreign governments. Treaty ratifications of the United States are ordinarily prepared in two originals, signed and sealed, one for exchange (or deposit) and one for the files of the Department of State. No better illustration of the exact equivalence and concurrent use of the pendant Great Seal and the wafer Great Seal can be offered than the fact that during the period of use of the pendant seal it was regularly affixed to original treaty ratifications that were to go into the possession of foreign governments, while the duplicates to be filed in the Department were always sealed with the wafer seal. A few examples of the pendant Great Seal, enclosed in their silver skippets, are in the Department's files of unperfected treaties, attached to instruments of ratification that for one reason or another failed to be exchanged.[27]

In certain instances, but only very rarely, the pendant seal was affixed to documents other than treaty ratifications, such as full powers, letters of credence, and other ceremonial letters. Examples are Commodore Matthew C. Perry's full power dated November 13, 1852, and President Fillmore's letter of the same date to the Emperor of Japan, both further mentioned below; and President Pierce's letter to the King of Siam dated September 12, 1855.[28]

A photograph, made in London in 1948, of the pendant seal affixed to the American instrument of ratification, dated July 19,

[26] Hunt, *Dept. of State*, p. 203.

[27] Unperfected Treaty files F1, G2, H2, I2, P2, R.G. 11, N.A.

[28] Printed in Miller, ed., *Treaties*, VI, 526, 527–528; VII, 366. For a biographical sketch of Perry, see *Dict. Amer. Biog.*, XIV, 486–489.

1870, of the naturalization convention with Great Britain signed May 13, 1870,[29] is reproduced as illustration 26.

In comparison with the wafer seal of today, the pendant seal was expensive, and its use involved numerous and costly accessories. The seal itself, as used with the Masi die, was a circular cake of red wax measuring from 4⅝ to 4¾ inches in diameter and from ¾ of an inch to 1 inch in thickness. This cake of wax was not, however, produced in one operation. Instead, impressions or "castings" from the die were made in the form of wax disks about ¼ of an inch thick, and a backing was added later, as described below. These disks, which were made for the Department by one or another private firm or person in Washington, were purchased in quantities of six to thirty-six at a time at a price that ranged from $25 to $40 a dozen. Two, at least, of the makers of these castings deserve mention. On May 18, 1826, the Department paid Seraphim Masi himself $50 for "24 wax castings of the Great Seal".[30] On May 11, 1848, it paid William E. Stubbs, son of Edward Stubbs, its longtime Disbursing Officer, $33 for furnishing the materials and making eleven wax castings; on October 7, 1850, it paid him $60 for twenty castings; and on August 22, 1854, it paid him $100 for thirty more.[31] The Department of State must have lent the Masi die to the individual (roughly the American equivalent of the English functionary known as Chaffwax to the Great Seal) who was making the castings. No seal press was involved; a handle was presumably attached to the threaded hole on the back of the die, and the die was then pressed by hand into the soft wax. The die would have been returned, one supposes, when the finished castings were delivered to the Department.

The accessories, which, besides wax composition for the backing of the seal, included skippet, cord, slides, tassels, velvet "portfolio" or set of covers for the document, and elegant "treaty box" to house the whole, were usually purchased in quantity and kept on hand in the Department for use as needed. For these

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[29] British Public Record Office, F.O. 94: 611. For text of the convention, see Bevans, ed., *Treaties*, XII, 158–160.

[30] Day Book A, 1824–1826, p. 75.

[31] Day Book, Foreign Intercourse, 1833–1850, pp. 335, 391. Day Book, Foreign Intercourse, 1853–1867, p. 37. With reference to Edward Stubbs and his son, see Patterson, *Edward Stubbs*.

accessories the Department had no precise standard of form, style, or quality; and consequently they differed somewhat from time to time. In the 1830's and early 1840's the skippets were of silver "richly gilt", having a finish that simulated gold and retarded tarnishing; the cord and tassels were of interwoven blue and gold; and the portfolios, or some of them at least, were of blue or crimson velvet lined with silk or satin. From about 1845 the skippets were of silver ungilded; the cord and tassels were of silver; and the portfolios, of blue velvet lined with straw-colored satin, had an eagle and shield and an ornamental border "cut" in the velvet on front and back. The treaty boxes, from first to last, seem to have varied considerably in form and style. Some were bound in morocco, ornamented with gilt, and lined with satin; some were made in the form of a book; and some were of mahogany or rosewood lined with plush or velvet. Most of them were fitted with a pair of silver-gilt or silver clasps. As for the cost of these various accessories of the Masi treaty seal, the silver skippets ranged in price from $60 to $120 each; the wax composition for the seal backing was $1 a pound; and, in 1857, for instance, the Department paid $1 a yard for cord, $1 a pair for slides, $25 a pair for tassels, $7.50 each for velvet portfolios, $25 each for treaty boxes, and $17 a pair for silver-gilt clasps for the boxes.[32]

As the foregoing suggests, the process of affixing the pendant seal was complicated. The document to be sealed was first en-

[32] This and the preceding paragraph are based chiefly on the following sources: Day Book A, 1824–1826; Day Book, 1826–1829; Ledger, 1829–1839, pp. 3–4, 40, 49, 61, 68, 73, 85; Day Book, Foreign Intercourse, 1833–1850; Journal, Foreign Intercourse, 1851–1861, pp. 1–90; Day Book, Foreign Intercourse, 1853–1867; Contingent Expenses, Foreign Missions, 1867–1889, pp. 1–60, Accounts Records, D.S., R.G. 59, N.A. Unperfected Treaty files D, F1, G2, H2, I2, P2. These records reveal that the Dept. of State patronized a very large number of firms and individuals, both in Washington and farther afield, to obtain the various trimmings used with the pendant treaty seal.

The term "treaty box" was used principally for the ornamental wooden case prepared to hold the exchange copy of an instrument of ratification, complete with skippet and other trimmings. In the accounts records of the period, however, the term is also used at times as a synonym (1) for "skippet" or "seal box" and also (2) for "treaty case"—the term usually applied to the tin shipping case used to enclose the entire paraphernalia when an instrument of ratification was to be exchanged abroad. The meaning of "treaty box" in any particular entry in the accounts can readily be determined from the price paid for it.

grossed on folio pages of paper or vellum and duly signed and countersigned. The pages were then bound into the portfolio by means of the cord, the knotting of which was so arranged that two ends dangled from the lower edge of the binding. These ends, side by side, were run through the diameter of the skippet—which had a small hole in either side for this purpose—to a point that left from 4 to 12 inches of cord between portfolio and skippet. Melted wax composition was poured into the skippet to a depth of ⅝ of an inch, embedding the cord; and the wax disk bearing the seal impression was pressed down on the composition, firmly uniting with it as it hardened. Tassels were attached to the free ends of the cord at a distance from the skippet of about 9 to 12 inches; the skippet cover was put on; document and seal were fitted into the treaty box; and the box, if it was to be sent out of the country for the exchange of ratifications, was enclosed in a tin container that was soldered shut.

Ordinarily the skippets used with the treaty seal were of sterling silver, about 5 inches in diameter and 1½ inches thick, with a cover on which a replica of the seal device appeared in relief.[33] There were, however, three notable exceptions.

When Commodore Perry set out on his famous mission of 1852–1854 to Japan, he took with him a full power to negotiate a treaty and a ceremonial letter addressed by President Fillmore to the Emperor of Japan. Both documents were sealed with the treaty seal, and both the skippets were of solid gold.[34] In Perry's official report on his mission is this description:

> . . . These documents, of folio size, were beautifully written on vellum, and not folded, but bound in blue silk velvet. Each seal, attached by cords of interwoven gold and silk with pendant gold tassels, was encased in a circular box six inches in diameter and three in depth, wrought of pure gold. Each of the documents together with its seal, was placed in a box of rosewood about a foot long, with lock, hinges, and mountings, all of gold. . . .[35]

The Department of State paid the bill of F. Masi & Company for the two gold skippets plus gold fittings for the treaty boxes—

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[33] See, e.g., Unperfected Treaty files F1, G2, I2, P2.
[34] Miller, ed., *Treaties*, VI, 526–528.
[35] S. Ex. Doc. 79, 33d Cong., 2d sess., I, 254–255.

plates, hinges, half hinges, half hinges with hooks, buttons, and screws—on July 23, 1852, in the sum of $1,827.[36] This, however, was only part of the total cost of the two documents.

Even more imposing was the American instrument of ratification, dated August 7, 1854, of the treaty with Japan that Perry had signed on March 31 of that year. Sealed with the pendant seal in a gold skippet weighing 482 pennyweight 12 grains, and enclosed in a gold-fitted, velvet-lined rosewood box, it must have been one of the most elegant and expensive documents ever to emanate from the Government of the United States.[37] On August 25, 1854, the Department paid the bill of Samuel Lewis, Washington jeweler, for the accessories he had supplied for this instrument—which included the skippet, gold clasps, plate, hinges, and engraving—in the amount of $1,220.52. Of this sum, $699.62 was for the skippet.[38] Allowing for pages of vellum, wax casting of the seal, blue and gold cord and tassels, velvet portfolio, treaty box, and incidentals, the total cost must have run to at least $1,500.[39]

From 1825 to 1832 the Department purchased skippets from various firms, among them F. Masi & Company;[40] and from 1833 until 1852 it bought all skippets from that firm.[41] From 1854

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[36] Journal, Foreign Intercourse, 1851–1861, p. 55.

[37] Miller, ed., *Treaties*, VI, 648–649. Day Book, Foreign Intercourse, 1853–1867, p. 41.

[38] Day Book, Foreign Intercourse, 1853–1867, p. 37. For information on Lewis and his skippet-cover mold, which was used as a Great Seal die in 1871, see Chapter X.

[39] Charles A. L. Totten's estimate of $2,500 (*Seal of History*, I, 164) is probably excessive.

[40] Day Book A, 1824–1826, p. 40. Day Book, 1826–1829, pp. 11, 33, 34, 37, 50. Ledger, 1829–1839, p. 68. The last three pages cited record the purchase of skippets from firms other than F. Masi & Company: a seal box for a treaty bought from Lanphier & Pryse on July 15, 1828, for $90; seal boxes for treaties (presumably two) bought from R. G. Lanphier on Apr. 24, 1829, for $170; and two silver-gilt treaty boxes at $95 each bought from Charles Pryse on Mar. 28, 1832.

[41] Day Book, Foreign Intercourse, 1833–1850, pp. 1–398. Journal, Foreign Intercourse, 1851–1861, pp. 1–90. The last purchase of Masi skippets occurred on Sept. 16, 1852, when the Dept. of State paid F. Masi & Company $900 for a dozen silver treaty boxes at $75 each. Journal, Foreign Intercourse, 1851–1861, p. 60. The next skippet purchase was the gold skippet bought in 1854 from Samuel Lewis.

until the pendant seal went out of use all skippets were purchased from Samuel Lewis. It appears, in fact, that the first skippet furnished by the Lewis firm was the gold one for the ratification of Perry's treaty.[42] For a picture of a Samuel Lewis skippet cover, see illustration 28.[43]

Original impressions of the pendant treaty seal are now more rare than might be supposed. Some have fallen victim to fire, as was the case in Peking, Port-au-Prince, Managua, and San Salvador;[44] and some, no doubt, to accident; but more, it seems, to human avarice. Ironically, the silver skippets that were intended to protect the pendant seals have been, because of their intrinsic value, a cause of their disappearance or destruction. While a check of all foreign archives as to the existence of original impressions of the treaty seal has not been practicable, it has been reported, for instance, that in Lima, where there should be seven or eight, none now remains;[45] that in Mexico City, where there should be eleven, only one remained in 1948;[46] that in Bogotá, where there should be four, two remained in 1940;[47] and that in Brussels, where there should be seven, all were removed by the Germans during the occupation of Belgium in World War I.[48] It could be added that the archives of the Department of State have not been free from similar loss.[49]

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[42] Journal, Foreign Intercourse, 1851–1861, pp. 60–90. Day Book, Foreign Intercourse, 1853–1867, pp. 1–37.

[43] The cover shown is in Unperfected Treaty file P2, R.G. 11, N.A.

[44] Miller, ed., *Treaties*, VII, 925–926. *Foreign Relations*, 1879, pp. 565–566. *Ibid.*, 1931, II, 788. Letter to the author, June 1, 1948, from Mr. Murat W. Williams, Second Secretary of Embassy at San Salvador.

[45] Letters to the author, Dec. 29, 1939, and Mar. 19, 1940, from Mr. Louis G. Dreyfus, Jr., American Chargé d'Affaires ad interim at Lima.

[46] The one remaining was a gold skippet attached to the instrument of ratification of the convention of Apr. 3, 1835 (U.S. Treaty Series No. 204). Letter to the author, Apr. 12, 1948, from Mr. Philip Raine, Cultural Relations Attaché at Mexico City.

[47] Letter to the author, Jan. 19, 1940, from the Honorable Spruille Braden, American Ambassador to Colombia.

[48] Letter to Mme D. Leruitte, of Brussels, Apr. 2, 1948, from the Belgian Ministry of Foreign Affairs, enclosed with letter to the author of the same date from Mme Leruitte.

[49] See, e.g., Miller, ed., *Treaties*, VII, 387*n*.

The End of the Pendant Seal

On February 3, 1871,. Secretary of State Hamilton Fish put this question to Henry D. J. Pratt,[50] then Chief of the Department's First Diplomatic Bureau: "What style of box & seal do the Foreign Govt. use with the Treaties they send here?"

Pratt reported the next day as follows:

> *Boxes*. There are in our collection about 6 boxes of fancy woods, and about 20 boxes in the form of large volumes with ornamental morocco or velvet covers, with metallic clasps, and some few merely pasteboard pouches, covered.
>
> *Seals &c.* Nearly all the treaties are in velvet covers with metallic seal boxes, mostly silver, and are arranged like those prepared here, with bullion cords and tassels.
>
> The French and some of the German States have not used metallic seals to recent treaties but have substituted paper seals affixed to the body of the ratifications in the same way that the [wafer] great seal is attached by M[r] [George] Bartle to instruments signed by the President.[51]

This report bears the endorsement, with the date February 4, 1871, both in the Secretary's handwriting: "Have no more fancy boxes made & no more metallic cases for seals".

This was the beginning of the end of the old treaty seal. A contemporaneous inventory indicates that the Department then had on hand fittings for about half a dozen more instruments of ratification in the old style,[52] and at least some of them were used, for the ratifications of two treaties with Great Britain, signed on February 23 and May 8, 1871, and ratified respectively on March 24 and May 25, 1871, bear the pendant seal.[53] On the other hand, at least one of six treaties ratified on April 11, 1871,

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[50] Pratt had been appointed (from Mass.) as a clerk in the Dept. of State, Nov. 1, 1851, and by 1871 had advanced to chief of bureau. He resigned in 1872 but returned as Chief of the Diplomatic Bureau, July 1, 1874. He died in office, Aug. 7, 1875. Personnel card for Pratt, D.S., R.G. 59, entry 370, N.A.

[51] Reports of the Diplomatic Bureau, vol. I, No. 17, D.S., R.G. 59, N.A.

[52] The last skippets bought by the Dept. of State were six silver treaty boxes purchased from Samuel Lewis late in 1870 for $720. Contingent Expenses, Foreign Missions, 1867–1889, p. 51, Accounts Records, D.S., R.G. 59, entry 266, N.A.

[53] Letters to the author, May 19 and July 28, 1948, from Mr. Sargent B. Child, Director, American Library, London. Bevans, ed., *Treaties*, XII, 167–169, 170–187.

was sealed with the paper wafer seal instead.[54] It seems that the last use of the Masi treaty-seal die of 1825—and the last pendant seal—was on the instrument of ratification of the treaty of May 8, 1871, with Great Britain, the famous Treaty of Washington.[55]

In 1885 a reporter for the New York *Daily Graphic* visited the Department and inquired about the use of the Great Seal in pendant form. He wrote as follows of the reminiscences which he elicited:

> I was told . . . at the State Department that within the past fifteen years our Government used on treaties a seal as cumbersome in size and weight as that of Great Britain. To the ratified copies of treaties which were intended for exchange with the country treating with us, and which were usually illuminated and placed in book form in plush covers, there used to be attached (and the practice has only been wholly discontinued, says an official at the State Department, for about ten years) by a silk and gold thread cord, a huge cake of red sealing wax four and a half inches in diameter, on which was impressed the device of the United States seal—the national coat of arms and motto. . . . Cakes of this size of red wax thus impressed were kept ready in the Department for use, and one such is there now. When to be used melted wax, while hot, was poured on the bottom of the silver case meant to hold the seal after the cord tying the treaty together had been passed through holes on either side of the case, and then the huge red seal was dropped face upwards into the box and so permanently fastened in it by the melted wax in the bottom. When this practice first began or exactly when it wholly ceased no one knows. I was told when I asked why it was discontinued that it was probably because it was troublesome and regarded as useless, since the law permits all Government seals to be attached, as now, by being impressed upon a wafer glued to the surface of a document on which it is needed. . . .[56]

Thereafter the pendant seal and its use were all but forgotten, even in the Department of State, for nearly half a century. Gail-

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[54] The six treaties were these: Nicaragua, June 25, 1870; Peru, Sept. 6, 1870; Peru, Sept. 12, 1870; El Salvador, Dec. 6, 1870 (U.S. Treaty Series Nos. 258, 282, 283, 310); Guatemala, Oct. 11, 1870; Uruguay, Dec. 15, 1870 (Unperfected Treaties N1, T3). It is the exchange copy of the instrument of ratification of the treaty with Uruguay which bears the wafer seal. Bevans, ed., *Treaties*, X, 347–350, 1038–1051, 1052–1055; VII, 478–494. Wiktor, ed., *Unperfected Treaties*, II, 385–388, 389–396.

[55] Although the U.S. stopped using pendant seals and skippets in 1871, other governments continued their use until a much later date. See, e.g., the files for treaties with Norway (1893), Sweden (1893), and the Orange Free State (1898), Treaty Series Nos. 262, 351, and 266, respectively, R.G. 11, N.A.

[56] *Daily Graphic* (New York), May 27, 1885, p. 686. Totten, *Seal of History*, I, 161–168.

lard Hunt, who wrote about the Great Seal on three separate occasions, was aware as early as 1892 that the Department had used a pendant seal and, as an officer of the Department, he had access to its records; but even as late as 1914 he knew nothing more about the old treaty seal than the misinformation in Totten's book.[57] Bernard J. Cigrand, who had gathered the material for his book on the Great Seal between 1888 and 1903, seems to have known nothing of the old treaty seal.[58] When Hunter Miller, the Department's Historical Adviser, became aware of this seal in the early 1930's as a consequence of his work on his "treaty edition",[59] his early inquiries yielded little information about it. The questions Miller asked, however, led the present writer, then his assistant, into searches the results of which appeared in print in 1949 [60] and are brought up to date in this chapter.

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[57] Hunt, *Seal* (1892), p. 27. Hunt, *History of the Seal*, p. 52. Hunt, *Dept. of State*, pp. 260–261.

[58] *Story of the Great Seal.*

[59] Miller, ed., *Treaties.*

[60] First as the article entitled "The Old Treaty Seal of the United States", in *Foreign Service Journal*, XXVI, 14–16, 44, Mar. 1949, and subsequently, revised and with notes chiefly relating to sources, as a pamphlet bearing the same title.

Chapter IX

THE THROOP DIE OF 1841

By the close of 1840 the brass die of the Great Seal cut in 1782 had become so badly worn from more than half a century of use that it needed replacing. This was a time of political upheaval in Washington. The twelve-year regime of the Democratic Party with Andrew Jackson and Martin Van Buren in the White House came to an end with the Whig victory in November 1840 and the inauguration of William Henry Harrison on March 4, 1841. Harrison commissioned Daniel Webster as his Secretary of State on March 5; the former Senator from Massachusetts entered upon his duties the next day; and later that day he appointed his son Daniel Fletcher Webster[1] as his Chief Clerk. A month later, on April 4, 1841, President Harrison died. The two Websters continued in their posts in the Department under his successor, John Tyler.

The Department of State at this time occupied the Northeast Executive Building, at the southwest corner of 15th Street and Pennsylvania Avenue Northwest. There the unit of the Department known as the "Home Bureau" had charge of the Great Seal and the seal of the Department.[2]

Replacement of the Die of 1782

The first person to become aware of the need for a new die would have been the clerk who actually affixed the Great Seal. Neither the President nor the Secretary of State would have noticed, because their signatures were then, as they are now, required on the document *before* the affixing of the seal.[3]

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[1] For a biographical sketch, see *Appleton's Cyclopædia*, VI, 415.

[2] See Chapter VII, pp. 169–170.

[3] Hunt, *Dept. of State*, p. 262. Mrs. Bernice C. Renn, present Chief of Presidential Commissions, confirms that this is the current practice.

Reconstructing the procedure within the Department at the time on such a matter, one comes up with something like this. The clerk in charge of the Great Seal, perhaps Thomas W. Dickins,[4] notices that the die needs replacing. He reports the need to the Chief Clerk, who until March 5, 1841, was J. L. Martin,[5] of North Carolina. The Chief Clerk takes up the matter with the Disbursing Agent, Edward Stubbs.[6] Stubbs remembers a fellow New Yorker with Democratic connections who is well regarded as a seal engraver and who has a shop in downtown Washington. Stubbs sends a clerk to that shop to order a new die. He takes with him an impression from the old die to serve as a pattern. Forgetful, however, of the resolution of June 20, 1782,[7] specifying the seal design in heraldic terms, he fails to give the engraver a copy of that document.

In this period seal engraving in steel, done by hand, was a slow and painstaking task. It took nearly three months—eighty-eight days,[8] to be exact—to get the Great Seal die of 1782 cut in brass. In 1884 Tiffany & Company, of New York, estimated it could cut a die of the obverse of the Great Seal "in about six weeks".[9] Actually, however, it took that firm something like ninety days [10] to cut the Great Seal die of 1885. Presumably the cutting of the die of 1841 took a comparable amount of time.

Examination of original impressions of the Great Seal on documents among the records of the Department of State in the National Archives shows that the die of 1782 was last used on a document dated April 24, 1841, while the die of 1841 was first used on a document which was dated April 23, 1841, but which obviously was not sealed by the clerk in charge of the Great Seal until after the new die had been installed in the seal press at

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[4] Concerning Dickins, see Chapter VII, p. 169.

[5] Jacob L. Martin had heen appointed Chief Clerk on July 16, 1840. In 1848 he was commissioned Chargé d'Affaires to the Papal States. He died at Rome Aug. 26, 1848, a week after he had presented his credentials. *Register D.S.*, 1930, p. 270. Dougall and Chapman, *U.S. Chiefs of Mission*, pp. 164, 165*n*.

[6] Concerning Stubbs, see Chapter VII, p. 169.

[7] See Chapter VI, pp. 83–84.

[8] From June 20 to Sept. 16, 1782.

[9] Letter to Assistant Secretary of State John Davis, Dec. 12, 1884. Miscellaneous Records Concerning the Great Seal, 1881–1909, D.S., R.G. 59, entry 856, N.A.

[10] The order was signed Jan. 9, 1885, and the die was ready for use on the following Apr. 21. See Chapter XII, pp. 265, 269.

least a day later. The two documents which, with their curiously reversed chronological relationship, make possible such a close fixing of a date for the first use of the die of 1841 are both in the file of the treaty of commerce and navigation with Portugal signed August 26, 1840:[11] the duplicate United States instrument of ratification, dated April 23, 1841, bears an impression from the die of 1841,[12] while the proclamation of the treaty, dated April 24, 1841, bears an impression from the die of 1782.[13] Although sealing did not always take place on the day a document was dated, it was usually done very soon thereafter. It therefore seems clear that the die of 1841 replaced that of 1782 on, or a day or two after, April 24, 1841.

A volume among the Department's accounting records mentions payment on May 3, 1841, of $60 to one J. V. N. Throop for "a cast steel Seal" of the United States.[14]

As with the die of 1782, no counter-die was provided. Furthermore, no record has been found of the purchase of a press for the new die. Nor, as a matter of fact, has any record been found of the purchase of a press for the Great Seal at any time between 1782 and 1841. There are, however, some gaps in the surviving accounts records; and the press of 1782 was replaced at least once before 1877. But the replacement was not in 1841. It seems certain that the die of that year was inserted in the press used just previously with the die of 1782.

John Peter Van Ness Throop

Regarding the engraver of the die, J. V. N. Throop's name appears in a Washington city directory for the first time in that of 1834, and for the last time in that of 1860. In 1834 he is listed as "Engraver and Copper Plate Printer" with a location on the north side of Pennsylvania Avenue between 9th and 10th Streets Northwest. In the directory of 1843, his address, Missouri Street between 4½ and 6th Streets Northwest, near 6th, is cor-

[11] Miller, ed., *Treaties*, IV, 295–309.
[12] U.S. Treaty Series No. 289, R.G. 11, N.A.
[13] *Ibid.*
[14] Day Book, I, 1840–1852, p. 89, Accounts Records, D.S., R.G. 59, entry 228, N.A.

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rected to the north side of Pennsylvania Avenue between 1st and 2d Streets Northwest, near 2d; and in an advertisement he thus described his work: "General Engraver and Copperplate Printer, Pennsylvania Avenue, near the Capitol. Maps, Charts, Visiting Cards, Bank Notes, Seals, Cyphers, Shop Cards, Heraldry, Door Plates, &c., &c. N.B. Engraving on Wood." In the next directory, that of 1846, his address is the same, and the same advertisement appears in the back pages. Subsequent directories give various addresses within a few blocks of the Capitol; that of 1855 adds "U States Coast Survey" after his name; those of 1858 and 1860 give his business and residence address as 450 Pennsylvania Avenue Northwest, which was probably between 3d and 4½ Streets.[15]

Engraver Throop's full name was John Peter Van Ness Throop [16] (pronounced *Throughp* [17]). He was born in Chatham, Columbia County, New York, April 15, 1794, the third of six sons of Major Daniel H. Throop, a Revolutionary soldier, by his wife, Mary Gager. He was a grandson of Colonel Benjamin Throop, a Revolutionary soldier, and his wife Susannah Throop, a second cousin.[18]

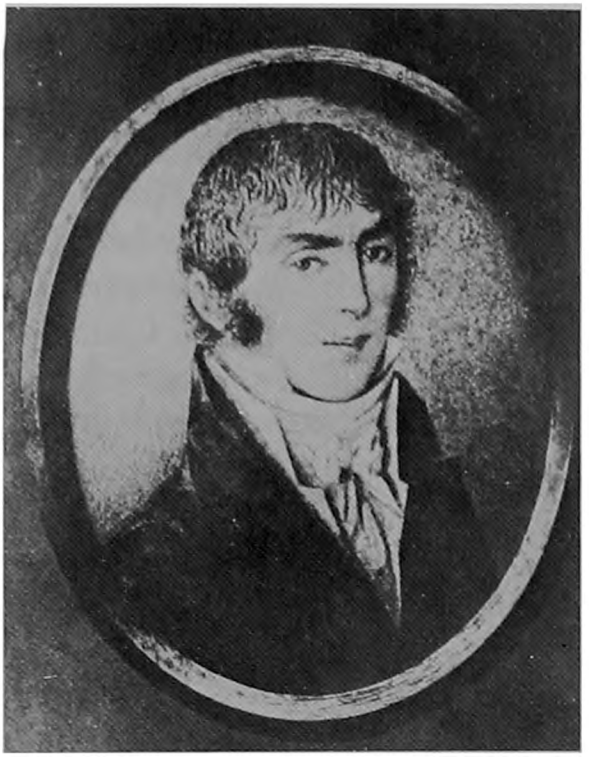
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[15] Cohen, *Washington Directory*, 1834, p. 53 of second pagination. Reintzel, *Washington Directory*, 1843, pp. viii, 85, 190. Gaither and Addison, *Washington Directory*, 1846, pp. viii, 80. Waite, *Washington Directory*, 1850, p. 86. Hunter, *Washington Directory*, 1853, p. 100 of first pagination. Ten Eyck, *Washington Directory*, 1855, p. 56 and unnumbered addendum page. Boyd, *Washington Directory*, 1858, p. 302; 1860, p. 147.

[16] Throop's given name suggests a relationship or friendship with the family—also associated with Columbia County, N.Y.—of which John Peter Van Ness was a member. Van Ness served as a Democrat in the Seventh Congress, 1801–1803, and thereafter made his home in Washington, where he was mayor from 1830 to 1834 and a prominent banker until his death in 1846. See *Biog. Direc. Amer. Cong.*, p. 1852; *Natl. Cyclo. Amer. Biog.*, VI, 227; *Who Was Who in America, 1607–1896*, p. 548. If indeed there was a connection between Throop and Van Ness, the latter's friendship would have been useful to the engraver, particularly during Democratic administrations.

[17] A great-granddaughter, Mrs. Eva K. Steinmiller, of Charlotte, N.C., so states. Letter to the author, June 18, 1974.

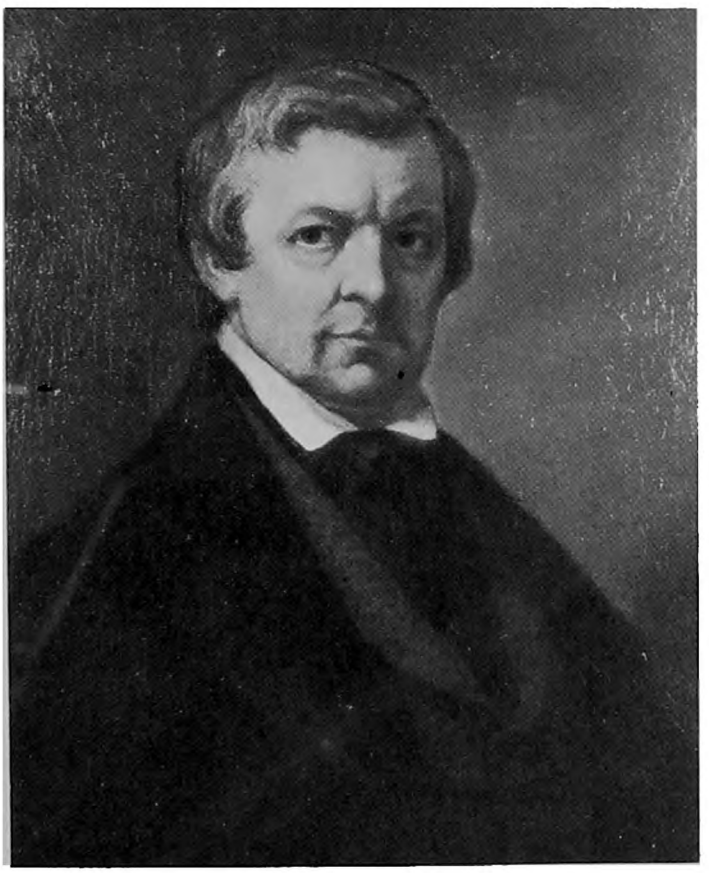
[18] Throop, *Throop Tree*, pp. 25–26, 407–408, 612, 614–615. Letters to the author, Feb. 13 and Mar. 14, 1974, from Mrs. Louise Walsh Throop, of Gaithersburg, Md. Letters to the author, May 27, Sept. 18 and enclosures, and Nov. 25, 1974, and Sept. 10, 1975, from Mr. William T. Keene, of Brooklyn, N.Y., a great-grandson of John P. V. N. Throop. Record of Throop's birthplace as Chatham, N.Y., has been handed down in Mr. Keene's family. Letter of Sept. 10, 1975. According to Burgess, "John P. V. N. Throop", the engraver's birthplace is still standing, a large brick house south of East Chatham at the intersection of Route 295 and Rock City Road.



29. Francesco Masi



30. Max Zeitler



31. John Peter Van Ness Throop



32. Herman Baumgarten

Of John P. V. N. Throop's five brothers, two attained prominence and one had political connections that may well have helped him get the job of engraving the Great Seal die. The oldest, Simon Gager Throop (born 1790), "studied law in the family of Martin Van Buren"; became the first lawyer in Bainbridge, New York; was a member of the Chenango County Assembly and of the New York State Assembly; and served as district attorney, captain of militia, and associate judge of Monroe County, Pennsylvania. The youngest brother was a millionaire coal operator for whom the town of Throop, Pennsylvania, near Scranton, was named. Two other brothers were engravers.[19]

John P. V. N. Throop has been described as a copperplate and general engraver, an engraver of portraits, a lithographer, and a painter of miniatures. He is said to have been associated in New York City—or more likely in Boston—with John B. Pendleton, four years his junior, called one of the best lithographers of his time.[20] Throop was in Boston in 1828, but had located in Washington by February 1830, although not listed in the city directory of that year. Stauffer says of Throop, "This man was an engraver of portraits, in line and stipple, who was working for both New York and Baltimore publishers in 1835." [21] A card entry in the Boston Public Library names Throop as the engraver of a "hall plan" of about 1837 for the House of Representatives of the United States.[22] In 1841 Throop engraved the die of the Great Seal of the United States that was used until 1877. The above-cited Washington directory of 1855 indicates that at that time he may have been working for the United States Coast Survey.

Throop married Melina Veron DeGras Sturtevant, daughter of Earl and Mary (LeMercier) Sturtevant and a native of Norfolk, Virginia, in the Green Street Congregational Church, Boston,

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[19] Letter to the author, Feb. 13, 1974, from Mrs. Louise Walsh Throop. Throop, *Throop Tree*, p. 615. Gaither and Addison, *Washington Directory*, 1846, pp. viii, 80. Letter to the author, Sept. 18, 1974, from Mr. William T. Keene, enclosure 1.

[20] *Dict. Amer. Biog.*, XIV, 421–422. Peters, *America on Stone*, p. 385. Groce and Wallace, *Artists in America*, p. 629.

[21] Stauffer, *American Engravers*, I, 270.

[22] Letter to the author, Feb. 13, 1974, from Mrs. Louise Walsh Throop.

January 10, 1828. Their first child, Melina Kanaris Throop, was born in Boston later that year; their second, Sarah Hale Throop, in Washington February 22, 1830. In all, they had fifteen children, including triplets in 1838 who died at birth or soon after. Their youngest child, Laura W. Throop, was born about 1850. Throop died in Washington July 3, 1860, after a protracted illness. His widow died there in April 1881, aged seventy-three. Both are buried in the Congressional Cemetery, Washington.[23]

A portrait of Throop is reproduced as illustration 31.

The Die of 1841 and Its Later Use With a Counter-Die

The original die that Throop cut has been preserved and is now (1976) in the National Archives Building in Washington as part of Record Group 11, General Records of the United States Government. On April 22, 1948, the author examined this die in the Division of Historical Policy Research of the Department of State and wrote a description of it. At that time the die was in a red leather case the bottom half of which was lined with white velvet and the top half with white satin. This is the description:

> The die of 1841 is of steel, 2⅜ inches in diameter and 1 1/16 inches thick, with a stem in the center of the back 9/16 inch in diameter and 15/16 inch long. An arrow engraved on the side of the die marks the exact top of the device. The device itself measures 2 7/32 inches from outer edge of border to outer edge of border. It is thus about 3/32 inch smaller in diameter than the seal device of 1782. . . . [24]

Illustration 34 reproduces a photograph of an impression from this die. It can be distinguished from impressions of the earlier die by its quite different border; the crowding upward of its design; the more vigorous rendering of its eagle; the tiny five-pointed stars in its crest instead of the six-pointed stars cut on the die of 1782; the introduction of olives—that is, the fruit—in the depiction of the olive branch, where the original die had

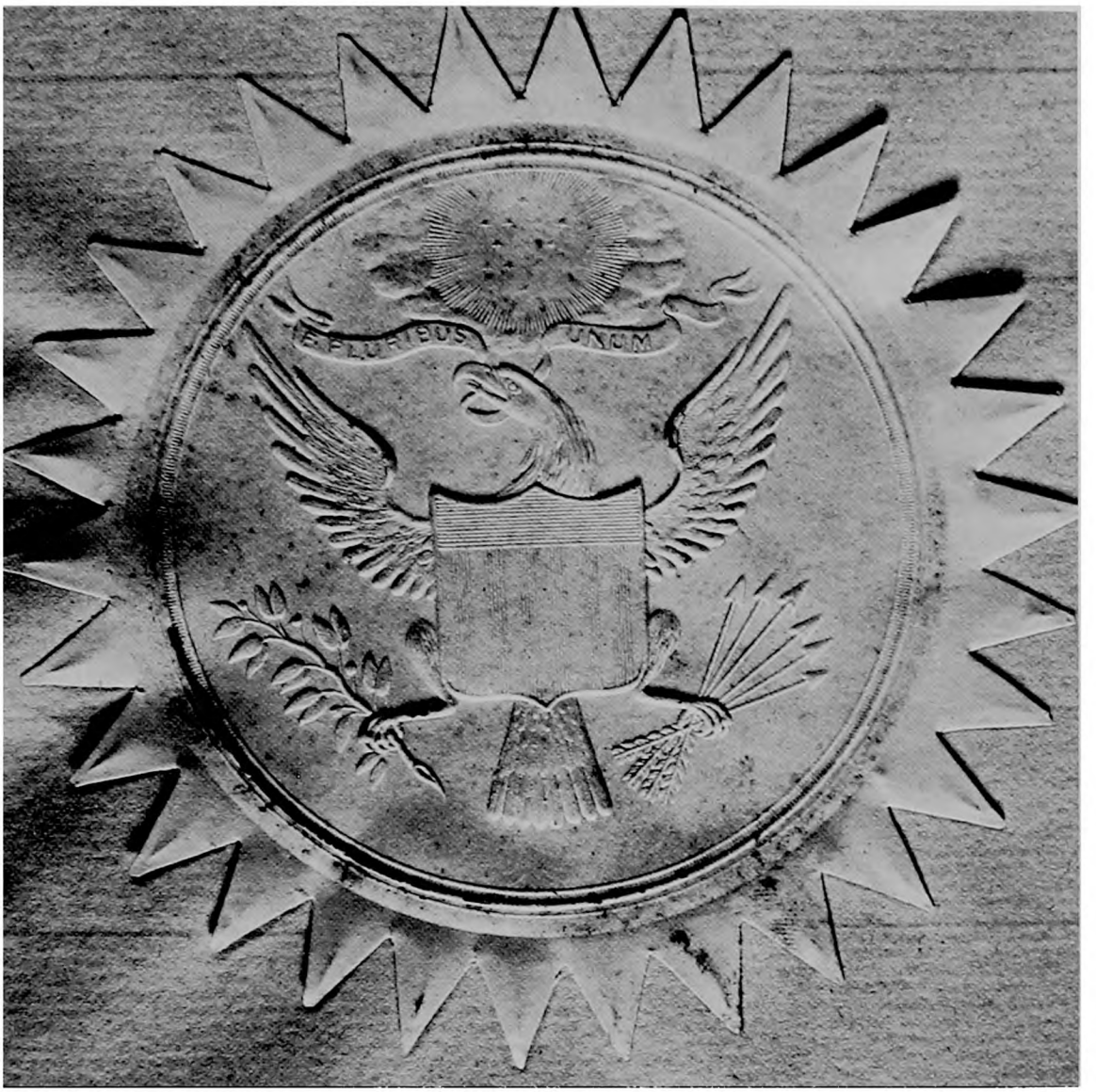
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[23] "Marriages by Rev. William Jenks", p. 44. Seventh Census, 1850, D.C., Fourth Ward, home No. 115, p. 224. Letter to the author, Feb. 13, 1974, from Mrs. Louise Walsh Throop. Letter to the author, Sept. 18, 1974, from Mr. William T. Keene, enclosures 1, 2, and 3. Obituary in *Evening Star*, July 5, 1860, p. 3.

[24] Memorandum in the author's files. Totten saw this die in 1882. *Seal of History*, I, 226–227.



33. The Throop Die of 1841



34. Impression From the Die of 1841

only leaves; and the two arcs, instead of a straight line, forming the top of its shield. Its red stripes, wider than the white stripes, have been criticized as faulty heraldry. Like the die of 1782, it lacks the conventional engraved horizontal lines to represent blue (*azure*) as the background of the stars in the crest and the dots to represent gold (*or*) in the glory of the crest. It includes the gross error of showing only six arrows instead of the specified thirteen. From this characteristic it has been called "the illegal seal" [25]—although the legality of the documents to which it was affixed has never been questioned. For a photograph of the die itself, see illustration 33.

Blame for the faulty design of this die has been heaped on the head of Daniel Webster, who was Secretary of State at the time it was put into use.[26] The facts, however, as already set forth in this chapter, completely exonerate him. If the work of engraving this die required three months—or even only two months—it must have been ordered in January or February 1841, before the new administration took office. Accordingly, Webster could have had no part in the matter.

In Throop's day an engraver would have had some knowledge of heraldry; and Throop used that word in his advertisements in the directories of 1843 and 1846, already cited. It therefore seems unlikely that he had before him at any time the text of the resolution of June 20, 1782, setting forth the seal design in heraldic terms and specifying thirteen arrows. It seems more likely that he worked solely from an impression from the worn die of 1782. Such an impression would have shown a bundle of arrows, but their number may well have been indistinguishable. This may explain his historic error of six for thirteen. Lack of clarity in the details of the crest may likewise account for Throop's failure to copy the six-pointed stars from the die of 1782 and his use of five-pointed stars in the new die—an innovation which has been copied from die to die down to the one in use at the present time.

As already noted, the die of 1841, when first put into service, was not provided with a counter-die. Instead, as was the case with the die of 1782, it was impressed on a paper wafer over a

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[25] Hunt, *History of the Seal*, p. 48.

[26] See, e.g., Champlin, "Great Seal", p. 694; Totten, *Seal of History*, I, 210; Cigrand, *Story of the Great Seal*, p. 251.

disk of red adhesive that served the double purpose of sticking the wafer to the document and bringing out the design of the die in relief. In February or March 1866, however, as appears from impressions among the Department's records, a crude counter-die (illustration 58) was put into use with this die, and thenceforth glue or paste held the wafer to the document. This counter-die has been preserved and is now (1976) in the National Archives Building in Washington as part of Record Group 11, General Records of the United States Government. On April 22, 1948, the author examined this relic in the Department's Division of Historical Policy Research and wrote a description of it. At that time it was in a red leather case matching those holding the dies of 1782 and 1841. It consisted of "a steel disk $3\frac{1}{16}$ inches in diameter and $\frac{5}{16}$ inch thick, to one face of which is riveted with three rivets a duplicate in relief, apparently made of bronze, of the die of 1841." [27] A careful search of the old accounts records has failed to disclose any mention of the purchase of this counter-die or of a press in which to use it. Its appearance and the appearance of impressions made with it suggest that it was inserted in an old press originally intended for use without a counter-die.

Custodians of the Great Seal, 1841–1877

As mentioned above, the Secretary of State had been given custody of the Great Seal and charged with responsibility for keeping it by an act of Congress approved September 15, 1789,[28] and Secretary Daniel Webster therefore became the first keeper and custodian—in the strict and formal sense of the words—of the new seal die when Throop delivered it to the Department of State in 1841. Actual charge of the die and its press, however, was delegated to one of the clerks of the Department, who (in addition to other duties) could be said in theory to be deputy custodian of the Great Seal, acting on the Secretary's behalf. The title of "deputy custodian" has never been applied to the actual "keeper of the Great Seal", and the latter term was

[27] Memorandum in the author's files. Totten saw this counter-die in 1882, although he was uncertain what it was. *Seal of History*, I, 227.

[28] 1 Stat. 68. See Chapter VII, p. 153.

not used in the nineteenth century. In this account, therefore, the individuals who had immediate responsibility for the care and use of the Great Seal are referred to as its custodians—not in the sense that they bore the term as a title but in the sense that it was their function to act for the Secretary in carrying out his statutory responsibility for the seal's custody.

Fragments of information survive regarding the custodians (in this sense of the term) during the decade following the acquisition of the die of 1841. Hunt says that in 1841 the seal passed to the care of the commission clerk.[29] As of April 2, 1842, however, it was in the care of a different clerk in the Home Bureau, whose duties were described as follows:

> . . . has charge of the publications transmitted to the Department in compliance with the acts of Congress relating to copyrights, the titles of which he indexes and records, and answers such letters as have reference to them. He records the domestic letters, the reports made by the Department to the President and to Congress, registers returns of passengers and seamen, has charge of the seals of the United States and of the Department, certificates for the authentication of papers under which he makes out and registers, answering all letters relating to, and accounting for, the fees received for them, and keeps a miscellaneous record book.[30]

Conflicting evidence on the custody of the Great Seal is contained in a memorandum to Secretary of State James Buchanan, unsigned and undated but written by Disbursing Agent Edward Stubbs about February 12–14, 1846. This paper includes the assertion that the clerk who was then "keeper of Mail Registers & issuing Pardons, and passports" had charge of the Great Seal. Stubbs added the comment, "The sealing, for want of other room, has to be done in the passage." [31] The "passage" was the corridor running east and west the length of the second floor and leading to the staircase in the center of the Northeast Executive Building.

While it must be presumed that Stubbs knew the facts in February 1846, it is difficult to reconcile his memorandum with a report Buchanan made a month later, March 16, 1846, which stated

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[29] Hunt, *Dept. of State*, p. 261.

[30] H. Doc. 177, 27th Cong., 2d sess. (ser. 404), pp. 4–5.

[31] Miscellaneous Letters Sent, XVI, 360–362, Accounts Records, D.S., R.G. 59, entry 202, N.A.; printed in Patterson, "The Department's Home, 1819–1866", pp. 35, 48.

that the "Clerk of authentications and copyrights" had current charge of the Great Seal and the Department seal.[32] It is possible that custody of the seals was transferred between April 1842 and February 1846 to the "Clerk of pardons and passports" and then transferred back during the following month to the "Clerk of authentications and copyrights", but this does not seem very likely unless there was a temporary redistribution of functions among the various clerks for some reason that has not come to light.

What individuals had charge of the Great Seal in the 1840's is not clear, as the assignment of clerks to the various positions in the Home Bureau is not of record. In April 1842 Horatio Jones seems to have been the "Clerk of pardons and passports" and thus was *not* responsible for the seal. Judging from the handwriting in the record book of consular commissions, George Hill was Commission Clerk in 1842, as he certainly was in 1847. That would leave two clerks in 1842—Dickins and George S. Watkins, of Maryland—whose functions are unaccounted for, and one of them must have been the "Clerk of authentications and copyrights" with responsibility for the Great Seal. Both Dickins and Watkins were gone by September 1845, and it is hopeless to sort out the duties of the new clerks in the Bureau until the arrival of George Bartle as the junior clerk in what was renamed the Domestic Bureau.[33]

George Bartle established a record for length of service as custodian of the Great Seal that will probably never be broken. Gaillard Hunt, who was Bartle's assistant in 1892–1894 and who later wrote a history of the Department of State, says of him, "In 1852 George Bartle of Virginia was assigned to duty as commission clerk, and had the seal under his care for forty-seven years, until his death in 1899, a longer time than any other of its

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[32] H. Rept. 552, 29th Cong., 1st sess. (ser. 490), p. 7.

[33] *Official Register*, 1841–1853. Personnel cards for Dickins, Hill, Jones, and Watkins, D.S., R.G. 59, entry 370, N.A. In both 1841 and 1843 Jones was the only clerk in the Home Bureau at a salary of $1,000, and, in the paper of Apr. 1842 quoted in the text, that salary was specified for the clerk in charge of pardons and passports—and for no other clerk in the Bureau. As to Hill's handwriting, see Applications and Recommendations, 1836–1844, folder "Hill, George, 1840", D.S., R.G. 59, entry 331, N.A; Permanent Consular Commissions, 1840-1849, D.S., R.G. 59, entry 350, N.A.

custodians."[34] There may be a question whether the date 1852 is exactly correct for the commencement of Bartle's service as custodian of the Great Seal; but it is probably not far off. It is just possible that Bartle was affixing the seal even earlier than 1852; he had been a messenger in the Department for some time, and there was precedent for having the messenger perform this task (see Chapter XIV).

George Bartle was born in Virginia in 1814 or 1815. His father was a native of Pennsylvania and his mother a native of Rhode Island. By his wife Miranda, born in the District of Columbia in October 1829, he had five children, a daughter named Missouri, born in July 1852; Harry, who became a printer; Sallie, who became an artist; Howell, who became a patent attorney; and Nellie. In 1880 the family was living at 1326 12th Street Northwest.[35]

Bartle received an appointment as assistant messenger in the Department of State on August 1, 1845. Promoted to messenger December 20, 1845, he continued in that capacity until December 1, 1852, when he was appointed clerk at an annual salary of $800.[36] On August 3, 1854, Robert S. Chew, of Virginia, and George Hill, both then clerks in the Department, addressed a letter to Secretary of State William L. Marcy, recommending Bartle for promotion. They wrote in part as follows:

> He receives the lowest salary, $800 per annum, is married, and has several children. He is most faithful and diligent in the performance of his official duties, writes an excellent hand, bears an irreproachable character, and is much respected by all his official associates . . .[37]

As a consequence of this letter Bartle received an increase to $900 a year on August 19, 1854. In the years following he moved up to clerk of class 1 at $1,200 a year on July 1, 1855; clerk of class 2 at $1,400 a year on June 1, 1856; clerk of class 3 at $1,600 on April 1, 1861; and clerk of class 4—the highest class—at

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[34] Hunt, *Dept. of State*, pp. 261–262.

[35] Tenth Census, 1880, D.C., vol. 2, enumeration district 26, p. 24. Twelfth Census, 1900, D.C., vol. 6, enumeration district 60, sheet 9, line 62. The exact date of Bartle's birth has not been found among the Department's records in the National Archives. Letter to the author, Aug. 15, 1975, from Dr. Clarence F. Lyons, Jr., Assistant Chief, Diplomatic Branch.

[36] *Register D.S.*, 1894, p. 10.

[37] Applications and Recommendations, 1853–1861, folder "Bartle, George", D.S., R.G. 59, entry 331, N.A.

$1,800 a year on July 1, 1866.[38] By 1873 he was the Department's ranking clerk of class 4.[39]

In 1855 the Department's organization by bureaus disappeared from the *Official Register*. Within the Department, nevertheless, the subdivisions continued to exist, with chiefs who had titles or designations descriptive of their responsibilities;[40] but the identities of these officers from time to time through the passing years is now hard to reconstruct. A newspaper article which provided an organizational outline of the various departments of the Government as of December 1859 discloses that in the Department of State the "Clerk of Territorial Business", whose name is not mentioned, then had charge of the Great Seal. The duties of this clerk are thus described:

> *Clerk of Territorial Business.—The Seal of the Department, &c., &c.*— He has charge of the seals of the United States and of the department, and prepares and attaches certificates to papers presented for authentication; has charge of the territorial business; immigration and registered seamen; records all letters from the department, other than the diplomatic and consular.[41]

In the record books labeled "Domestic Letters", into which were copied many of the Department's outgoing communications, material dated in December 1859 is in Bartle's handwriting. This would seem to identify Bartle at that time as the Clerk of Territorial Business, in charge of the Great Seal.

In June 1867 the "Clerk of Appointments and Commissions" had charge of the Great Seal. His duties were stated as follows:

> Makes out and records letters of appointment, nominations to the Senate, exequaturs, and records, when in English, the commission on which the latter are issued. He prepares and records pardons and remissions, and has charge of the United States seal.[42]

When Secretary of State Hamilton Fish reorganized the Department in 1870, the bureaus reemerged, with Bartle occupying the post of Chief of the Bureau of Pardons and Commissions and having under him one assistant. The Bureau's duties were "Prepa-

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[38] *Register D.S.*, 1894, p. 10.
[39] *Ibid.*, 1873, p. 6. *Official Register*, 1873, p. 12.
[40] Hunt, *Dept. of State*, pp. 221–222.
[41] "Organization of the Departments", p. 4.
[42] Summers, *Outline*, p. 57, citing Leech, "Department of State".

ration and issue of commissions; preparation of pardons and correspondence relating thereto; applications for office." [43] This bureau continued in existence, with Bartle as chief, with approximately the same duties, and with usually one assistant, until 1895.[44] Throughout this time it had custody of the Great Seal.

The Great Seal die and press, with Bartle in charge, remained in the Northeast Executive Building until 1866, when the building was scheduled for demolition to make way for the north wing of the then unfinished Treasury Department Building. Commencing November 1, and continuing for some days, the Department moved out of that building and into the newly completed Washington City Orphan Asylum Building, a mile away, on the southeast corner of 14th and S Streets Northwest.[45] No record has been found as to where Bartle and his charge were located in these crowded and makeshift quarters on what were then the outskirts of the city. It was while the Department was there that use of the pendant Great Seal came to an end by order of Secretary of State Hamilton Fish, as related in Chapter VIII. Thenceforth all original instruments of ratification of United States treaties were rerouted through Bartle's hands and passed under the instrument in his custody.

While the Department was occupying the Orphan Asylum Building, a monumental new structure was rising east of 17th Street and south of the old War and Navy Department Buildings, then known also as the Northwest and Southwest Executive Buildings. The new construction was the southern portion of a building planned to cover the whole area west of the White House from Pennsylvania Avenue to New York Avenue. On June 22, 1875, the Department of State began moving out of the Orphan Asylum Building and into the new building—the south wing of what was to become known as the "State, War, and Navy Building". On Monday, July 19, the Department opened for business in its new quarters. And somewhere within the granite walls Bartle continued to perform his duties of affixing the Great Seal and guarding its press.

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[43] *Register D.S.*, 1871, p. 8.

[44] *Ibid.*, 1872–1895.

[45] Regarding this building and the Department's occupancy of it, see Patterson, "Tenants of the Orphanage".

The Inca Press

In the summer of 1877 Martha J. Lamb,[46] historian from New York, visited the Department of State and inspected its new home from the first floor to the fourth. Entering by the "main outer entrance"—the granite steps on the south side, leading to the first floor—Mrs. Lamb then "ascended noiselessly" in an elevator, seemingly to the second floor, where she proceeded to "the room set apart for commissions and pardons"—Bartle's domain. "Here", her account continues, "is kept the great seal of the nation". Although Bartle's name is not mentioned, a man who presumably accompanied Mrs. Lamb sketched the custodian of the seal and the seal press. The sketch, signed by William Allen Rogers [47] and captioned "The Great Seal of the United States", appears as an illustration with an article published in the March 1878 issue of *Harper's New Monthly Magazine*.[48] This sketch is reproduced as illustration 35.

No other pictures of Bartle, and no other pictures of the press used with the die of 1841, are known to exist. Against a background of shelves bearing bound volumes of records, the sketch shows a man of medium build, his face adorned with mustache and chin whiskers, standing and studying a paper he holds in both hands. Beside him is a sturdy wooden stand on which rests a screw-action seal press with dumbbell-type handles. The press is in the form of a human figure—one that resembles an Indian, with long hair, headdress, square jaw, and aquiline nose—kneeling with hands on the ground and body and head thrust forward. The vertical screw penetrates the top of the figure's head, emerging from its throat; and directly below is the block holding the counter-die, on which the document rests to receive the impression.

This press was of a type manufactured by R. Hoe & Company, of New York, commencing about 1854, and then called the "Leviathan", but later known as the "Inca press". The design

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[46] For a biographical sketch, see *Dict. Amer. Biog.*, X, 556–557.

[47] For biographical sketches, see *Biog. Direc. N.Y.*, p. 410; *Natl. Cyclo. Amer. Biog.*, XXIV, 172.

[48] "State and Society in Washington", pp. 481–500. The illustration is on p. 485. Cigrand reproduced the sketch without mentioning its source. *Story of the Great Seal*, p. 248.

was inspired by American interest in Peru in the 1840's and 1850's stemming partly from the importation of guano, partly from the publication in 1847 of Prescott's *Conquest of Peru*, and partly from the publication in Paris in 1850 of a volume entitled *Recuerdos de la monarquía peruana*. In this last publication "are printed pictures of 16 Inca princes of which 12 could have been the models, with slight variations, for the Inca press—the head with the shaven face, the long hair, the crown with its serpent design, the jacket, and the bare arms".[49]

This press was thus of no earlier date than 1854, and may have been obtained at the time the crude counter-die was put into use, in 1866. Whether this was the press that replaced Thomson's press of 1782, or whether some other press served for a time between the two, is now unknown. In the summer of 1877, however, when the sketch of it was made, the press was in its last days, for it was replaced the following November.

When Totten visited the Department in 1882, this press had been superseded by the die and press of 1877; but he was then told that the old press was "thought to be in one of the storerooms of the State Department".[50] What final disposition was made of it is unknown. Fortunately, its die and counter-die, removed from the press before 1882, survive.

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[49] This information is from an unpublished paper by J. N. Bowman, historian, State Archives, retired, Office of the Secretary of State, Calif., entitled *The Great Seal Press of California in 1849*, which Mr. Bowman enclosed with a letter to the author, July 16, 1956. Among the sources cited are catalogs of R. Hoe & Company of 1851 and 1854 and correspondence with an officer of that company and an officer of the Library of Congress.

[50] Totten, *Seal of History*, I, 227.



35. George Bartle and the Inca Press

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Chapter X

THE LEWIS SKIPPET-COVER MOLD, USED AS A DIE IN 1871

During the three decades from 1841 to 1871, the Department of State used concurrently the Throop die of 1841, discussed in the preceding chapter, and the Masi treaty-seal die of 1825, treated in Chapter VIII. The latter die was used only for pendant seals to be affixed to documents of high ceremony—principally instruments of ratification of treaties—and for almost thirty years after the Masi die was cut the Washington firm of F. Masi & Company supplied skippets, or ornamental metal boxes, to contain and protect the pendant seals.

The Skippet-Cover Mold Discovered

After the demise of F. Masi & Company in 1853 or 1854, Samuel Lewis, Washington jeweler and silversmith, supplied the Department of State with skippets and some of the other accessories for the pendant Great Seal. For making the skippet covers, in silver or gold, with a replica of the seal in relief, Lewis provided himself with a heavy iron silversmith's mold, the device of which was copied so closely from the treaty-seal die that impressions from the two are difficult to tell apart except by the straighter brow and shaggier feathering of Lewis' eagle. As Lewis omitted, however, the encircling border of stars that is found on Masi skippet covers, the skippets themselves are easily distinguishable. The first Lewis skippet bought by the Department was, as related above,[1] the solid gold one attached to the original instrument of ratification of Perry's treaty with Japan. The Department paid Lewis' last bill for skippets—six of them—in October or November 1870 in the sum of $720.[2]

[1] See Chapter VIII, p. 191.

[2] Contingent Expenses, Foreign Missions, 1867–1889, p. 51, Accounts Records, D.S., R.G. 59, entry 266, N.A.

On September 12, 1950, at a time when portions of the Department of State were in process of moving and portions were still in the "Old State Building" at 17th Street and Pennsylvania Avenue Northwest, now the Executive Office Building, Miss Gladys M. Dawes, of the Department's library, telephoned the writer that she had found an interesting relic. The library was then still in Room 308 of that building. On examination, Miss Dawes' relic proved to be the Samuel Lewis skippet-cover mold. Miss Dawes reported that she had discovered it accidentally in July 1950. She had found it on the floor, inside the door numbered 310, under the wooden bookshelves that then stood directly opposite the west stairway leading from the main floor of the library to the balconies.[3]

The author's notes made at the time describe the mold as a block of iron, roughly octagonal in shape, measuring from 5½ to 6¼ inches across the face and 2¼ inches in thickness and weighing about 20 pounds. The sides of the mold were rough and irregular. The mold was rusty and bore spatters of gray paint.[4] Judging from the place where it was found, its last service may have been as a doorstop for summer ventilation.

Beautiful and spirited though it is, the Samuel Lewis rendering of the seal design does not fully conform to the specifications of the resolution of June 20, 1782. Like the Masi die of 1825, it is deficient in two details. It lacks the horizontal lines, to represent blue (*azure*), in the upper part of the shield and in the background of the stars in the crest; and it lacks the scattering of dots, to represent gold (*or*), among the rays of the glory of the crest. The Lewis mold is now in the National Archives, where it is filed as part of Record Group 11, General Records of the United States Government. For a picture of it, see illustration 36.

Samuel Lewis

Samuel Lewis, creator and owner of this mold, was a native of Washington, born about 1817. He married about 1840 another native of the District of Columbia, Sarah J., born about 1824.

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[3] Memoranda dated Sept. 12 and Oct. 17, 1950, in the author's files.
[4] Memorandum dated Sept. 12, 1950, in the author's files.

They had six sons, three of whom were living when the mother signed her will, on March 17, 1907. Samuel Lewis had died at Washington on October 31, 1879.[5]

Lewis' first listing in a Washington directory is in that of 1843. He is there described as "jeweller and silversmith" with a shop on the south side of Pennsylvania Avenue between 10th and 11th Streets Northwest, near 11th. An advertisement in the same volume further mentions his services:

> Samuel Lewis, Gold and Silversmith, South side Penn. av., between 10th and 11th streets, will manufacture to order Silver Plate, Spoons, Forks, Jewelry, &c. Also Repair, Jewelry, Silver, and Silver plated Ware, etc. An assortment of silver spoons kept on hand. Washington, D.C.

In the 1846 directory he is listed simply as "silversmith" at the same address. According to the 1850 directory, he had moved to the north side of Pennsylvania Avenue between 11th and 12th Streets Northwest, and an advertisement reads:

> Samuel Lewis, Manufacturer of Jewelry and Fancy Goods, and Dealer in Watches, Jewelry and Fancy Goods, Pennsylvania Avenue, between 11th and 12th Streets, Washington, D.C. N.B.—Jewelry, Silver and Silver-Plated Ware repaired.[6]

By 1853 Lewis' shop was on the north side of Pennsylvania Avenue between 12th and 13th Streets Northwest. This was only a short walk from the Department of State, then at 15th Street and New York Avenue. His home was on the west side of 9th Street between G and H Streets Northwest. Despite the address given in the directories for 1855, 1858, and 1860—250 Pennsylvania Avenue—Lewis' business location remained unchanged. This address was under the Ten Eyck system of Washington house-numbering, later replaced by the present system. In 1883 the address of the Lewis establishment was 1215 Pennsylvania Avenue

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[5] Eighth Census, 1860, D.C., I, 479. Twelfth Census, 1900, D.C., vol. 2, enumeration district 12, sheet 3, line 96; vol. 10, enumeration district 112, sheet 8, line 81; vol. 11, enumeration district 124, sheet 18, line 87; vol. 4, enumeration district 45, sheet 16, line 92. Letter to the author, Nov. 22, 1975, from Mrs. Donna R. Hotaling, Vienna, Va., enclosing photocopies of the wills of Samuel Lewis and Sarah J. Lewis. Totten, *Seal of History*, I, 162, 165. *Washington Post*, Nov. 1, 1879, p. 3.

[6] Reintzel, *Washington Directory*, 1843, pp. 50, 203. Gaither and Addison, *Washington Directory*, 1846, p. 56. Waite, *Washington Directory*, 1850, pp. 52, 223.

Northwest—the north side of Pennsylvania Avenue between 12th and 13th.[7]

Use of the Lewis Skippet-Cover Mold as a Great Seal Die

In letters to the Department in 1883 and later in his book, Charles A. L. Totten mistakenly identified the Samuel Lewis mold as the old treaty-seal die.[8] Gaillard Hunt, official historian of the seal, without checking the records, repeated Totten's error.[9] Of the separate existence of the treaty seal, neither writer was aware.

An examination made in 1939–1940 of the seals on United States instruments of ratification in the archives of various foreign nations established the fact that the Masi die of 1825 was used at least as late as January 1869.[10] Because use of the pendant seal was discontinued in 1871, only a little more than two years later, it would have been natural to suppose that the 1825 die continued in service during that period. But there was certain evidence to the contrary.

The evidence was this: First, there was then in the archives of the Department of State, though not attached to a document, one red wax impression cast from the Samuel Lewis mold, and apparently this impression was old and broken in January 1883, when Totten saw it.[11] Second, in June 1869—for the first time, according to the Department's records—Samuel Lewis furnished the Department wax castings of the seal, three dozen in all, which were more than enough to last from that date through the year 1871.[12] Third, Totten, who visited the Lewis establishment

[7] Hunter, *Washington Directory*, 1853, p. 61 of first pagination. Ten Eyck, *Washington Directory*, 1855, p. 36 of first pagination. Boyd, *Washington Directory*, 1858, p. 189; 1860, p. 103. Totten, *Seal of History*, I, 162.

[8] Totten, *Seal of History*, I, 161–168, 228. Concerning Totten, see Chapter XII, p. 233.

[9] Hunt, *History of the Seal*, p. 52. Hunt, *Dept. of State*, pp. 260–261. Concerning Hunt, see Chapter XII, p. 286.

[10] Letter to the author, Jan. 3, 1940, from the Honorable Josephus Daniels, American Ambassador to Mexico, and enclosure. Letter to the author, Jan. 19, 1940, from the Honorable Spruille Braden, American Ambassador to Colombia. Letter to the author, May 31, 1940, from Mr. Gerald Keith, American Chargé d'Affaires ad interim at Bogotá, and enclosed photographs.

[11] Totten, *Seal of History*, I, 165.

[12] Contingent Expenses, Foreign Missions, 1867–1889. Lewis presumably made these castings from his own mold. No explanation has been found as to why he did this instead of borrowing the Masi die from the Dept. of State.

in January 1883, saw there the Lewis mold and also a number of red wax castings which, as his picture of one of them discloses, had certainly been made from that mold and not from the treaty-seal die of 1825.[13]

The question thus presented—whether the pendant Great Seals of 1869–1871 bore the impression of the treaty-seal die or that of the Samuel Lewis skippet-cover mold—was finally answered in 1949. Examination of five examples of the pendant seal, four in the British archives and one in the Swedish archives, two of which were affixed on July 19, 1870, and the others on December 17, 1870, and March 24 and May 25, 1871, revealed that each one was impressed with the treaty-seal die of 1825.[14] But another example of the pendant seal, affixed on April 29, 1871, to the instrument of ratification of the treaty of commerce and navigation of February 26, 1871, between the United States and Italy,[15] and which was then in the archives at Rome, was clearly from the Samuel Lewis mold.[16] For a picture of this seal, see illustration 37.

The conclusion, then, is that, although the Department did use impressions from the die of 1825 into the year 1871, at the same time it affixed at least one—and perhaps more than one—wax impression from the Samuel Lewis skippet-cover mold as the Great Seal. Consequently, the Lewis mold, intended for making skippet covers, must be counted among the dies actually used for impressing the Great Seal of the United States.

Donation of the Lewis Mold to the Department of State

Gradually, recollection of the Masi treaty seal and the use of pendant seals grew dim and faded away. Henry D. J. Pratt,[17] the

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[13] Totten, *Seal of History*, I, 163, 165–166.

[14] Letters to the author, May 19 and July 28, 1948, from Mr. Sargent B. Child, Director, American Library, London, and photographs enclosed with the latter. Letter to the author, July 1, 1948, from Mr. James J. Robbins, Attaché at Stockholm, and enclosed photographs. Cf. *supra*, pp. 192–193.

[15] Bevans, ed., *Treaties*, IX, 82–90.

[16] Letter to the author, Feb. 16, 1949, from Mr. C. R. Morey, Cultural Attaché at Rome, and enclosed photograph. For help in obtaining this p'.o o-graph the author is indebted to Prof. Emilio Re, Inspector General of the State Archives, Ministry of the Interior, Rome.

[17] Concerning Pratt, see Chapter VIII, p. 192*n*.

officer of the Department of State charged with affixing it in its last days, died in office on August 7, 1875. When Totten visited the Department in January 1883 seeking material for his book on the Great Seal, the scanty information he was able to obtain led him to the erroneous conclusion that the Samuel Lewis skippet-cover mold was the old treaty-seal die.[18] Some of the older employees, however, directed him to the Samuel Lewis establishment, where Lewis' sons were carrying on the business at the old location. On January 16 Totten called at the Lewis shop. There, "after some trouble", the Lewises "unearthed" the mold and some impressions from it, "covered with the dust of many years". Although Totten's letter of the next day to the Secretary of State mentions finding "the waxen impression" in the singular "and silver ones" in the plural, his book refers only to "a dozen waxen impressions".[19]

Totten appealed to the Lewises to sell the mold and the impressions from it to the Department of State; and he eloquently urged the Secretary to acquire these historic relics, regarding the Department as their proper and lawful custodian. The Lewises indicated to Totten their willingness to sell, naming a price of $250; and Totten passed the word to the Department.[20]

On September 1, 1883, Theodore F. Dwight, Chief of the Department's Bureau of Rolls and Library, addressed the following memorandum on the subject to Assistant Secretary John Davis:[21]

> It was formerly the custom of the Department to attach to ratification or exchange copies of Treaties an impression of the Seal of the U.S. in wax. I send herewith a specimen of the same.
>
> I am informed that the Seal used therefor is now in the hands of Mr. Sam[l] Lewis, a goldsmith, whose shop is on Pennsylvania Avenue; and assuming that it must be the property of the government I suggest that steps be taken to reclaim it.[22]

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[18] *Seal of History*, I, 161–168.

[19] Totten, *Seal of History*, I, 162, 165–166. Letter from Totten to the Secretary of State, Jan. 17, 1883, Miscellaneous Letters, Jan. 1883, part II, D.S., R.G. 59, entry 102, N.A.

[20] Totten, *Seal of History*, I, 165–166. Letter from Totten to the Secretary of State, Jan. 17, 1883, Miscellaneous Letters, Jan. 1883, part II

[21] Concerning Dwight and Davis, see Chapter XII, p. 236.

[22] Miscellaneous Records Concerning the Great Seal, 1881–1909, D.S., R.G. 59, entry 856, N.A.



36. The Lewis Skippet-Cover Mold, Used as a Die in 1871



37. Impression From the Lewis Skippet-Cover Mold

On September 7 Davis scrawled this endorsement across the lower portion of Dwight's memorandum: "Mr Brown[23] has already looked into this somewhat. He will please take proper steps to recover the Seal if it be the property of the US."

So far as available records show, the Department did nothing. Finally, after waiting for two years, the Lewises presented the mold and a dozen wax impressions from it to the Department.

Following this presentation, the Chief Clerk, on August 14, 1885, sent Totten one of the wax impressions.[24] The others have disappeared.[25]

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[23] Sevellon A. Brown, of N.Y., had been appointed clerk in the Dept. of State, July 1, 1866; assigned to act as Chief of the Bureau of Indexes and Archives July 1, 1873; and promoted to Chief Clerk, Aug. 7, 1873. He declined an appointment as Consul at Birmingham in 1878, and remained as Chief Clerk until Jan. 31, 1888. He later served another term as Chief Clerk from Feb. 11, 1890, to Feb. 1893. *Register D.S.*, 1930, p. 270. Personnel card for Brown, D.S., R.G. 59, entry 370, N.A.

[24] Totten, *Seal of History*, I, 166.

[25] By 1885 the Department had settled into its quarters in the south wing of the still unfinished State, War, and Navy Building. The Department's library occupied the area specially built for it in the south center of this wing, extending from the third floor, where its main entrance was numbered Room 308, through the fourth and fifth floors. Besides its collection of books, the library then had custody of, and exhibited in its rooms, a substantial collection of historic gifts to the nation and other national relics. Hunt, *Dept. of State*, pp. 327-328. There, most probably, the mold presented by Lewis' sons was deposited—and perhaps for a time exhibited. And there, as recounted above, it was found in July 1950.

Chapter XI

THE BAUMGARTEN DIE OF 1877

By 1877 the Great Seal die and press were worn and tired, and the Department took steps to replace them. This was two years after the Department had moved into the south wing of what was to become the State, War, and Navy Building. The die had been in constant use for more than thirty-six years, although the Inca press was much newer. This was the year when Rutherford B. Hayes, in the White House, was introducing, or reintroducing, the use of the President's seal (see Chapter XVI). The decision and action regarding the Great Seal seem not to have been taken at a high level of the Government, however, nor with any special thought or planning. Rather the contrary. Although William M. Evarts had entered upon his duties as Secretary of State on March 12, 1877, there is no evidence that he was consulted on the purchase. Presumably George Bartle, then Chief of the Bureau of Pardons and Commissions and custodian of the Great Seal, recommended the acquisition, and presumably Chief Clerk Sevellon A. Brown approved it.

On November 14, 1877, according to the Department's records, it paid "H. Baumgarten" $75 "For Engraving the Great Seal of the United States in Steel", $25 "For one Press", and $5.50 for "Case and Locks", or $105.50 in all.[1]

Herman Baumgarten

The engraver of the die and supplier of the press was Herman Baumgarten, who then resided and had his shop at 229 Pennsylvania Avenue Northwest (under the new house numbering system instituted in 1869). In an advertisement in the Washington

[1] Contingent Expenses, 1867–1881, p. 279, Accounts Records, D.S., R.G. 59, entry 232, N.A.

directory of 1877 Baumgarten described himself as "Engraver of Seals, Stamps and Stencils . . . Ribbon—Hand Stamps and Stamping Ribbons Furnished at Lowest Prices." [2]

Herman Baumgarten was born in Hanover, then one of the independent German states, in March 1849. In 1852, at the age of three, he came to the United States with his parents. They settled in Baltimore, and there his father, Selig Baumgarten, a skilled engraver, engaged in business. Herman graduated from Knapp's Institute, Baltimore, in 1863. He spent the next five years learning his trade. In 1868 he joined his father and brother William in business under the firm name of S. Baumgarten & Sons. Records of the Department of State show payment of $30 to "H. Baumgarten" in September 1869 "for recutting large Seal & 1 new die".[3] What seal this was is not known.

Herman's older brother Julius had been working in Washington as an engraver since 1860 or earlier.[4] According to biographical sketches, Herman moved from Baltimore to Washington in 1871. There he engaged in the seal engraving and rubber stamp business. About this time he married Fanny Fox, born in Pennsylvania about 1849, whose parents were natives of Prussia. His business prospered and expanded. He cut seals for Government departments and offices and for private firms and organizations. He made a specialty of supplying the Government departments with seals, rubber dating stamps, stamping inks, and pads. It was said of him in 1903 that "Every post office throughout the United States and its possessions and territories is furnished with stamps of his make." [5]

Meanwhile, in 1880 Baumgarten and his wife were living with her mother and younger sister at 729 5th Street Northwest. They had four children, Mary or Mamie, Adolph or Arthur, Florence, and Emanuel. By this time Herman was in business with his brother Julius at 306 Pennsylvania Avenue Northwest. The directory listing reads "H. Baumgarten and Bro.—U.S.

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[2] Boyd, *Directory of D.C.*, 1877, p. 125.

[3] Stationery, Furniture, &c., 1872 [*1867*]–1889, p. 39, Accounts Records, D.S., R.G. 59, entry 235, N.A.

[4] Boyd, *Washington Directory*, 1860, p. 39. Groce and Wallace, *Artists in America*, p. 37.

[5] Washington Post, *City of Washington*, p. 278.

Governmental Seal Engravers and Die Sinkers—Herman Baumgarten, Julius Baumgarten".[6]

In 1893, his first wife having died, Herman married Ada Glaser, a native of Austria, born in January 1864. By her he had a son Cecil, born in Washington in June 1897. In 1900 Herman's family consisted of himself and wife, son Cecil, daughter Florence and son Emanuel by his first wife, and his mother-in-law, Hannah Glaser. They lived at 444—and later at 466—Massachusetts Avenue Northwest. Herman became a thirty-second degree Mason and was a member of other fraternal and business organizations. He died at his home May 24, 1905, and his widow died in 1913.[7]

For a photograph of Herman Baumgarten, see illustration 32.

One or more sons of both Julius and Herman Baumgarten continued their fathers' businesses. The firm of "J. Baumgarten Sons Company" supplied the Department of State seal die and press for the Bureau of Citizenship in 1911, as noted in Chapter XVIII; and the firm of "Herman Baumgarten Company" was doing business in 1916. About 1919 the firms were consolidated as "The Baumgarten Company of Washington", which continues in business at the present time (1976), although seemingly no longer with participation of Baumgarten descendants.[8]

Use and Characteristics of the Die of 1877

The exact day when the Baumgarten die and press of 1877 were put into service is not known. It was after October 29, 1877,

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[6] Boyd, *Directory of D.C.*, 1880, p. 142.

[7] Information about Herman Baumgarten is from the following sources: Tenth Census, 1880, D.C., enumeration district 49, p. 15. Twelfth Census, 1900, D.C., vol. 8, enumeration district 88, sheet 4, line 9. The census records show Baumgarten and his parents as natives of Prussia, into which Hanover had been absorbed in 1866. Coffin, *Washington Historical Sketches*, p. 306. Washington Post, *City of Washington*, pp. 278–279. *Amer. Biog. Direc., D.C., 1908–1909*, p. 28. Register of Wills, Washington, D.C., No. 12977, Herman Baumgarten, dated Dec. 18, 1900, filed May 29, 1905, proved June 7, 1905; No. 19922, Ada Baumgarten, dated Sept. 2, 1905, filed May 14, 1913, proved May 16, 1913. *Washington Post*, May 25, 1905, p. 3.

[8] Letter to the author, July 24, 1973, from Mr. Melvin M. Gusdorf, Jr., president, Baumgarten Company of Washington. This company supplied a die to the Dept. of State in 1976 for munitions control work. See Chapter XVIII, p. 494.

when a proclamation passed under the die of 1841;[9] and it was almost certainly some days before November 14, when the Department paid for the die and press.

Impressions from the Baumgarten die of 1877 are of about the same size as those from the dies of 1782 and 1841—2¼ inches in diameter. They show a design closely copied from that of the die of 1841, even to its errors in having the red stripes on the shield wider than the white and six arrows instead of thirteen. The 1877 seal can be readily distinguished from its predecessor, however, by the larger stars (five-pointed, as in the Throop die) in its crest, the larger lettering of the motto on its scroll, and the generally coarser and less detailed quality of the engraving. Like the dies of 1782 and 1841, it lacks the conventional engraved horizontal lines to represent blue (*azure*) as the background of the stars in the crest and the dots to represent gold (*or*) in the glory of the crest. For a photograph of an impression from the Baumgarten die, see illustration 38.

Although the national centennial observances of 1876 aroused public interest in all aspects of American history, the Department of State seems to have remained peculiarly insulated from awareness of a growing public curiosity about the Great Seal, its origins, its history, and its form. In the year following the centennial the Department purchased this new Great Seal die and press, evidently in routine fashion, with no fanfare or publicity. So quietly was it done, and so precisely was the old die duplicated in the new, that no one outside the Department except Totten[10] seems to have suspected that the die of 1877 with six arrows instead of thirteen was a separate die from that of 1841, until the present writer identified it as such in the 1930's.[11]

One reason why the Department may have preferred to avoid attracting any attention to this acquisition was an article by John D. Champlin, Jr., entitled "The Great Seal of the United States: Concerning Some Irregularities in It", which had appeared in the issue of a magazine called *The Galaxy* for May 1877.[12] This

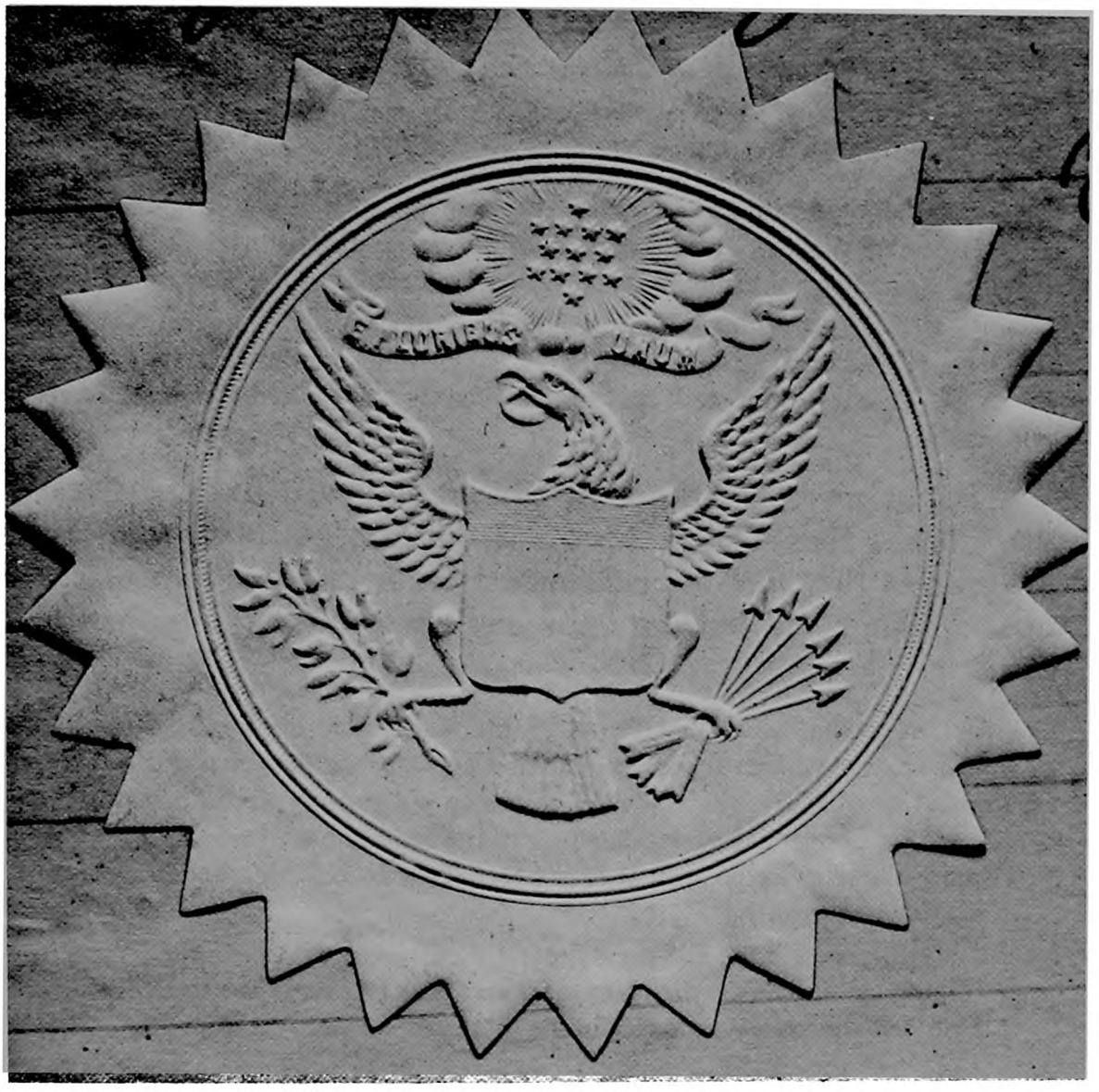
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[9] Proclamations, 1877–1889, No. 239, R.G. 11, N.A.

[10] *Seal of History*, I, 228–229.

[11] See his article, "Seal of the United States", *Encyclopædia Britannica* (1941), XX, 243B.

[12] XXIII, 691–694. Concerning Champlin, see Chapter XII, pp. 230, 263.



38. Impression From the Die of 1877

article, harshly critical of the die of 1841 and of the Department for using it, is summarized in Chapter XII.

Within the Department George Bartle had charge of the die and press of 1877 throughout the whole period of their service. When Totten visited the Department in 1882 and talked with Bartle, he saw the die and press of 1877, which were then in use. Referring to this seal as "another of the Websterian pattern", Totten wrote of it as follows:

> . . . It consists of both male and female dies permanently fixed in the press, and was used for making the impression of the seal upon paper. This press was carefully secured from interference and illegal use by being covered when not in employment with a locked mahogany box.
>
> . . . Its workmanship is so bad that no impression made by it was clearly cut, this being due to the want of relief in the dies themselves. . . . This die from wear and long service is . . . nearing the end of its usefulness . . . [13]

The anonymous author of the article entitled "The Great Seal" in the New York *Daily Graphic* of May 14, 1885, who saw the press of 1877 soon after the new press of 1885 had been placed in the same room with it, provides these bits of information about it:

> . . . The old seal, with its simple mechanical appliances affixed to an ordinary walnut stand the size of a small table with a box of walnut inverted over it, looks as if it might be an old sewing machine, while the new case of fine mahogany standing in the same room towers far above it, being about twice its size. It is five feet eight inches high and about half as wide and deep . . .
>
> With the old die and press great difficulty was at times experienced in affixing the seal to a bulky document such as a treaty, for instance, in such wise that the eagle would face in the proper direction . . . [14]

Totten's book includes a picture of an impression from the die of 1877—as the accompanying text reveals it to be; but the legend under it reads "The Great Seal from 1841–1885." [15] Likewise, a large picture of an impression from the die of 1877 accompanies the *Daily Graphic* article, although the author understood it to depict an impression from the die of 1841.

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[13] Totten, *Seal of History*, I, 228–229.
[14] P. 591.
[15] *Seal of History*, I, 208–209.

As a specimen of national heraldry and as an example of the art of engraving, the die of 1877 was unquestionably the poorest of all the Great Seal dies. Ironically, it was the one in use when the Great Seal celebrated its one hundredth birthday on June 20, 1882. By that date, however, various forces were working toward its replacement with something better.

No record has been found as to what was done with the discarded die and press of 1877. While the die may have been destroyed, it is also possible that it will some day be discovered.

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Chapter XII

THE TIFFANY DIE OF 1885

Celebration in 1876 of the one hundredth anniversary of the Declaration of Independence, of which the Philadelphia Centennial Exposition was a major part, stirred the nation's pride in its progress and achievements. Reminding the people of their past, it aroused widespread and lasting interest in all areas and aspects of American history, national, local, and special. Among the special topics that received attention and study and became subjects of oral and written discussion were the principal symbols of American sovereignty and independence: the flag and the Great Seal. Preble's work on the flag had already appeared, in 1872.[1] Consideration of the Great Seal, on the other hand, was belated, commencing in print in 1877 and carrying through and beyond the centennial of the Great Seal itself in 1882.

Public Interest in and Criticism of the Great Seal

The man largely responsible for awakening public interest in the Great Seal was John D. Champlin, Jr.,[2] a prominent New York author and editor. Champlin fired the opening gun in an attack on the Department of State for its delinquencies regarding the seal. His firing-piece was an article entitled "The Great Seal of the United States: Concerning Some Irregularities in It", which appeared in the May 1877 issue of *The Galaxy*. His blast was double-barreled.

After surveying the history of the Great Seal, though with errors and omissions, Champlin took aim first at the reverse. Charging the Department of State with neglect of the reverse, he termed the failure to use it, after it had been created by law,

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[1] *Our Flag: Origin and Progress of the Flag of the U.S.*

[2] For biographical sketches, see *Appleton's Cyclopædia*, I, 570; *Natl. Cyclo. Amer. Biog.*, VIII, 357–358; *Who Was Who in America*, I, 209.

"technically illegal". (Like many other critics of the Great Seal, Champlin had no comprehension of Congress' purpose in providing the reverse.[3])

Proceeding then to the obverse, Champlin pointed out various deviations of the die of 1841, which the Department was still using, from the design adopted by the Continental Congress and readopted by act of Congress under the Constitution. Specifically, he criticized the stripes on the shield, where the red ones were "twice the width of the white ones", and the meagre six" arrows instead of the required thirteen. In conclusion he condemned the "officials temporarily in charge" of the Great Seal for their "arbitrary alteration" of it.

Despite Champlin's criticism (or possibly unaware of it), the Department of State, within six months after the appearance of his article, purchased and put into use a new Great Seal die that reproduced exactly all the faults of its predecessor (see Chapter XI).

Champlin's article, however, together with the approach of the Great Seal centennial, aroused public awareness of and interest in the device; and comment reached the Department through correspondence and the press. Although record of the full story of the Department's reaction no longer exists, fragments reveal that by February 1881 it was beginning to act. President Hayes was then about to relinquish office to President-elect Garfield on March 4; and William M. Evarts was nearing the close of his term as Secretary of State, which had begun March 12, 1877, while the Great Seal die of 1841 was still in service. A penciled order, undated but written about January 20 or 21, 1881, from Assistant Secretary John Hay to Theodore F. Dwight,[4] the Department's Librarian, reads: "Give me an estimate of the time and expense required for cutting the reverse of the Great Seal". [5]

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[3] See *infra*, pp. 245–246.

[4] The verso of Hay's order to Dwight has two Library date stamps, one of Jan. 20 and one of Jan. 21. For biographical data on Dwight, see *infra*, p. 236.

[5] Miscellaneous Records Concerning the Great Seal, 1881–1909, D.S., R.G. 59, entry 856, N.A. This collection of papers includes a letter to Dwight of Feb. 12, 1880, from O. H. Irish, Chief of the Bureau of Engraving and Printing, about seals, but this letter probably had to do not with the Great Seal but with the 1880 die of the seal of the Dept. of State. See Chapter XVIII.

The Lutz Estimate

Dwight proceeded to get estimates on a die of the reverse, and he took it upon himself to ask at the same time for estimates on a new die of the obverse. On February 8, 1881, William F. Lutz,[6] a Washington seal engraver, wrote to Dwight as follows:

> I hereby agree to furnish the Department of State with a true copy of the reverse of the Great Seal of the United States, after the design on page 184 of Harper's New Monthly Magazine Vol. XIII.,[7] cut in steel, one week from date, for Twenty-four dollars ($24.#).
>
> I also hereby agree to furnish a copy of the obverse or face of the Great Seal, after the design originally cut, also in steel, within two weeks from date, for Thirty dollars ($30.#)
>
> The cost of an iron press for the reverse will be additional to the foregoing estimate, and will be Fifteen dollars, ($15.#) [8]

Dwight forwarded this estimate to Hay with the following report, of the same date, which shows his concern with the obverse as well as the reverse:

> In compliance with your instructions I now submit an estimate for cutting the reverse of the Great Seal of the United States, which has been given by W. F. Lutz, who is said to be competent to execute the work properly.
>
> He has also given an estimate in addition to the above for cutting anew the Obverse of the Great Seal. The die now in use represents a seal not in accordance with the law: The number of arrows, according to the Statute, in the "sinister talon" should be thirteen.[9]

On February 18, 1881, the Bureau of Engraving and Printing furnished Dwight an estimate of $125 for an engraving, evidently of the reverse only, "executed in the highest style of art, upon hardened steel and a counter piece of fine copper".[10]

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[6] Lutz had cut the Dept. of State seal die of 1880. See Chapter XVIII, p. 483. Lutz is listed in Boyd, *Directory of D.C.*, 1875–1905. In the 1880's his place of business was in the 600 block of G Street Northwest. From 1891 to 1904 Lutz is listed as an employee of the Bureau of Engraving and Printing.

[7] This is a reference to an article by Benson J. Lossing entitled "The Great Seal of the United States", discussed in Chapter VI.

[8] Miscellaneous Records, 1881–1909.

[9] *Ibid.* Hay, who resigned as Assistant Secretary effective May 3, 1881, apparently took no action on Dwight's report before leaving office.

[10] Miscellaneous Records, 1881–1909.

Charles A. L. Totten's Suggestions

While the Department of State made no further progress in the matter and the Great Seal centennial drew nearer, a serious-minded young Army officer, First Lieutenant Charles A. L. Totten,[11] who was then stationed at Sacketts Harbor, New York, plunged suddenly into the situation. As Totten later wrote of the experience, in February 1882 he had come "accidentally across the dismembered record, history and description of the Great Seal of the United States". Surprised to learn that the seal had a reverse and "astonished that such symbolism as this face possessed should have been allowed to remain so long in a state of neglect and concealment, he was also struck with the opportune approach of the Centennial Anniversary of its original adoption . . . as affording a most suitable occasion for its more perfect recognition". Acting on impulse, on February 10, 1882, Totten wrote letters to the Secretary of State and the Secretary of the Treasury, "inviting their attention to the approaching centennial and requesting that some suitable action might be taken to commemorate it".[12]

Totten's letter to the Secretary of State elicited a noncommittal response that "the subject would receive consideration".

His two letters of February 10 to the Secretary of the Treasury, on the other hand, produced a reply dated February 17 that showed genuine interest. On February 19 Secretary Charles J. Folger [13] referred Totten's letters to A. Loudon Snowden,[14] Superintendent of the Mint at Philadelphia. On February 24 Snowden wrote to the Secretary at length and in favor of issuing a Great Seal commemorative medal. After reviewing the history of the Great Seal as he knew it, Snowden recommended that the Mint prepare dies and strike a medal bearing the designs of its obverse and reverse. The size would be that of the seal as originally used. The medal would include "the dates, June 20th, 1782–1882, to indicate when and for what purpose it was issued".

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[11] For biographical sketches, see *Natl. Cyclo. Amer. Biog.*, X, 237–238; *Who Was Who in America*, I, 1247.

[12] Totten, *Seal of History*, I, 169–170.

[13] For a biographical sketch, see *Dict. Amer. Biog.*, VI, 486–487.

[14] For a biographical sketch, see *Natl. Cyclo. Amer. Biog.*, XII, 119–120.

Snowden wrote that he could have the work completed by June 20, 1882, in time to place the medals on sale for the Great Seal centennial.

Having considered the recommendation for some weeks, Folger directed Snowden to proceed with the project.[15]

Although the medal was reported to have been completed by June 20, 1882, Totten states that only two proofs of it had been struck by that date and that the general issue did not take place until the following October.[16] For pictures of the obverse and reverse of the medal, see illustration 67.

Issuance of the medal further stimulated public interest in the Great Seal and in the design of the die then in use. Under a heading, "General Interest Awakened", Totten wrote:

> Incident upon the issue of the Great Seal Medal interest in the Heraldry of the United States very naturally increased. The Press took the matter up very generally and in the Fall of that year a movement was put on foot to correct it, or at least to rid the State Department realization of some of its heraldic lapses. The movement was reported as originating in the Treasury Department . . . [17]

The source of Totten's information was the following paragraph in *Harper's Weekly:*

> —We are to have something authentic done about the great seal of the United States. Several gentlemen in the Treasury Department and others outside have had the matter under consideration for some months, and have come to the conclusion that in all that pertains to heraldry it is inaccurate. The seal is now the same that was adopted by the Colonial [*Continental*] Congress. A memorial will therefore be presented to Congress at the approaching session, pointing out its inaccuracies and suggesting

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[15] Totten, *Seal of History*, I, 171–183. Concerning Snowden's report, see *infra*, p. 570.

[16] Totten, *Seal of History*, I, 183–184. For further information on the medal, see Chapter XV, p. 397.

[17] Totten, *Seal of History*, I, 191–192. It has not been feasible to examine a wide range of newspapers and periodicals of the period to confirm Totten's assertions of rising public interest in the Great Seal. The Department's course of action, however, as outlined in this chapter, tends to confirm Totten's statements, although a scanning of the registers of domestic communications received by the Department during 1882 discloses few letters, other than those from Totten himself, reflecting such interest. Register of Miscellaneous Communications Received, vol. IV, July 1, 1880–June 30, 1884, D.S., R.G. 59, entry 106, N.A. Furthermore, neither the index to *Harper's Monthly* nor that to the *New York Times* for the period 1877–1884 includes any reference to the Great Seal.

> corrections. The gentlemen have devoted much time to the subject, and are determined to see it put right if it be possible.[18]

On reading the foregoing paragraph, Totten entered into further correspondence with Secretary of the Treasury Folger and Superintendent Snowden of the Mint. From them he learned that the "movement" for correcting the Great Seal "was not in their Department, at least officially". Later he found that "the movers in the matter were . . . in the State Department, and the tenor of their effort . . . founded on the perfectly natural desire to secure dies that should at last and at least realize the details of the fundamental law itself." [19]

Once aroused, Totten's curiosity and enthusiasm about the Great Seal were boundless. In 1882 he began writing his book on the subject, and before the close of 1883 he had evidently completed a major portion of it, although it was not published until 1897. In connection with this writing, he visited the Department of State in January 1883. There he unearthed, among other matters, certain information about the pendant seal, as related in Chapter X. His personal contacts and correspondence with the Department during this period, not to mention his success in obtaining the issuance of the Great Seal medal, must have had some influence on the Department's quest for a new die or dies of the Great Seal. Feeling that a year of research had qualified him to offer the Department advice on the subject, he wrote on February 27, 1883, a lengthy and detailed letter to the Secretary of State, the text of which, with illustrations, is in his book. His first paragraph included these lines:

> . . . As I am aware of the great interest now awakened upon this subject both in your department and at large in the country, I feel that the conclusion to which I have arrived after a long and careful review of the whole history and signification may not be without value in your deliberations in regard to such new dies as may soon be deemed advisable. . . .

Totten then reviewed the 1782 blazon of the obverse and reverse, element by element, with his comments on each. He gave particular attention to the olive branch:

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[18] Nov. 25, 1882, p. 739.
[19] *Seal of History*, I, 193–194.

> . . . The olive-branch, therefore, should have thirteen growths, each consisting of leaves (2), olives (1), and flowers (1), to signify vigor, fruit and promise. This is the truly fruitful olive-branch that America, in peace with all the world, offers to mankind. It is a *symbolic* branch. . . .

He suggested that the flowers on the olive branch be white and that the fruit, portraying ripe olives, be purple. The scroll, he said, should be shown as an open book, and the motto should be placed in quotation marks. The glory in the crest should break through the cloud, which should be black (*sable*), lined with silver and illuminated with red and purple. The stars in the constellation should be five-pointed.

> . . . This constellation to be as *in Nature*. It should not be circumscribed in circles, diamonds, or star-shape. . . .

As to the reverse, Totten said that it should certainly be cut, as it was "technically illegal" (a phrase which Champlin had used earlier) to make "a part do for the whole when the law is clear". He said that there should be thirteen steps in the pyramid, which should be white, from the white limestone of the Great Pyramid of Geza. The eye should be white; the glory, gold. The mottoes should be in quotation marks. The field of the reverse, where not otherwise occupied, should be "proper", which would mean blue (*azure*).

Totten included in his letter a suggestion that both obverse and reverse dies of the Great Seal might be impressed—one at the top and one at the bottom, something like the two loops of a figure *8*—on the same seal wafer.[20]

Assistant Secretary of State John Davis,[21] who had been commissioned July 7, 1882, thereby succeeding to responsibilities regarding new dies for the Great Seal, acknowledged Totten's letter on March 5, 1883, with "thanks for the information contained therein".[22]

Theodore F. Dwight

Totten's letter also came to the attention of Theodore F. Dwight, the official who in 1881 had handled the estimates for

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[20] Totten, *Seal of History*, I, 195–203.

[21] For biographical sketches, see *Natl. Cyclo. Amer. Biog.*, V, 544; *Who Was Who in America*, I, 301.

[22] Totten, *Seal of History*, I, 204.

dies of the Great Seal, as related above. Dwight was interested enough in some of Totten's ideas to investigate them with care, and eventually he sent Totten a further reply, quoted later in this chapter. Because Dwight—despite his youth and relative obscurity—played a central role in developing the design for the Great Seal die of 1885, something should be said here about him.

Theodore Frelinghuysen Dwight was born in New York State at Auburn (not Albany, as sometimes stated) on June 11, 1846. He attended the Collegiate Institute at Rochester, and by 1866 he was employed by Hayden & Letchworth, a saddlery and carriage hardware business at Auburn. His principal interest at that time seems to have been acquiring autographs of the great and near-great. Although he was not related closely (if at all) to the prestigious Dwights of Yale or Frelinghuysens of New Jersey, there are hints in his papers that his autograph collection benefited because some of his correspondents assumed that he was.

In 1868 Dwight went to California, traveling by sea. In San Francisco he worked as a clerk first for the Pacific Union Express Company and later for the Pacific Bank. He took lodgings in the building occupied by the Mercantile Library Association and was soon added to the staff of the Library, apparently on a part-time basis. In 1872 he returned east, where he worked for the G. P. Putnam publishing house in New York City. On April 3, 1875 (to be effective June 1), he was appointed clerk in the Department of State, at an annual salary of $1,200. On the following July 1 he was promoted to clerk at $1,800, at which rank he served as the Department's Librarian. On August 5, 1882, when he was thirty-eight, he was promoted to be Chief of the Bureau of Rolls and Library, and was in charge of the Department's archives (which then included the papers of the Continental Congress) and responsible for publishing the statutes. In the line of duty he was involved not only in the study given to the Great Seal in 1883–1885 but also in the negotiations leading to the purchase by the United States Government of the so-called Stevens collection of Benjamin Franklin papers.[23] He formed a

[23] On this aspect of Dwight's career, see Bell, "Henry Stevens, His Uncle Samuel, and the Franklin Papers".

friendly relationship with John Hay and was useful to Senator Henry Cabot Lodge,[24] of Massachusetts, in connection with the research for the latter's *Alexander Hamilton*, published in 1882.

Dwight, a Republican, was much worried about his tenure following Cleveland's victory in November 1884, but he was retained in his position under the Democratic administration, and he himself chose to resign at the end of May 1888 to take charge of the Adams family archives and to be a general amanuensis to Henry Adams,[25] who was then working on his *History of the United States*. After leaving Adams' employ, Dwight was Librarian of the Boston Public Library from 1892 to 1894. In 1904, while Hay was Secretary of State, Dwight was appointed, with Lodge's sponsorship, to be Consular Agent at Vevey, Switzerland, where he served until 1914, having refused a tentative offer in 1905 of a transfer to Markneukirchen, Saxony. Dwight was married and had one son. He died at Boston on February 3, 1917.[26]

A photograph of Dwight is reproduced as illustration 41.

The First Approaches to Tiffany & Company

While some of Dwight's correspondence relating to the Great Seal cannot be found, enough can be pieced together from scattered sources to give a fairly comprehensive picture of his activity. He consulted a number of prominent Americans on the subject, and their advice will be summarized in this chapter.

So far as the records show, the first person to whom Dwight wrote concerning the possibility of obtaining a new seal die was Samuel L. M. Barlow,[27] bibliophile, owner of an outstanding private library of Americana, and partner in the New York law

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[24] For a biographical sketch, see *Dict. Amer. Biog.*, XI, 346–349.

[25] For a biographical sketch, see *ibid.*, I, 61–67.

[26] These biographical notes on Dwight are based on the following sources: Theodore F. Dwight Papers, Mass. Hist. Society, Boston, particularly the three volumes of Dwight's correspondence with William A. Baker. Ritter, *Theodore F. Dwight Papers. Register D.S.*, 1913, p. 70. Personnel card for Dwight, D.S., R.G. 59, entry 370, N.A. Applications and Recommendations, D.S., R.G. 59, entry 333, N.A. Dwight, *Hist. of the Descendants of John Dwight*, II, 1022–1025.

[27] For a biographical sketch, see *Appleton's Cyclopædia*, I, 167.

firm of Shipman, Barlow, Larocque & Choate. Dwight's letter to Barlow has not been found, so exactly what he asked or why he approached Barlow at all on the subject of the Great Seal cannot be stated, but Barlow's reply, dated June 18, 1883, has been preserved. It was Barlow who recommended that Dwight consult Tiffany & Company, of New York, "about the seal of the State Department." [28] As there was no proposal at that time for a new Department seal,[29] Barlow's letter must have referred to a new die or dies of the Great Seal.

Just when Dwight approached Tiffany & Company is not known, as no copy of his letter has been found either in official files or in the Dwight Papers in the Massachusetts Historical Society, and most of the Tiffany files for the period have been destroyed.[30] Certainly he must have done so by mid-autumn, for on December 11, 1883, he wrote the following brief note to James Horton Whitehouse, Tiffany's principal designer:

> I must confess that I am becoming somewhat impatient for the sketch design for the new die of our seal; and venture to ask when I may hope to see it.[31]

Dwight had thus been in touch with Whitehouse well before Assistant Secretary John Davis wrote the following letter to Tiffany & Company on December 20, 1883:

> You are invited to submit for consideration by this Department, an estimate of the amount at which you will execute a design for the reverse of the Seal of the United States, and engrave the dies and matrices for both the obverse and reverse of the same.
>
> It is assumed that in the event of the work indicated being committed to you that you will be willing to provide all the fixtures necessary for the use and preservation of the dies, that is to say, the press or presses in which they should be mounted and any other fittings which might be useful and proper for making impressions of the seal.[32]

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[28] Theodore F. Dwight Papers. As the correspondence in this collection is arranged chronologically, individual folder captions are not cited here. Barlow specifically recommended "Mr Moore of Tiffany & Co"—presumably Edward C. Moore, head of the firm's silver department.

[29] See Chapter XVIII.

[30] Letter to the author, Sept. 28, 1973, from Miss Duane Garrison, Director of Publicity, Tiffany & Company, New York.

[31] Library Letters, X, 300, D.S., R.G. 59, entry 759, N.A.

[32] Domestic Letters, CXLIX, 206–207, D.S., R.G. 59, entry 99, N.A.

The Tiffany firm replied on December 22 that it would make the dies and supply presses for $1,000. A second Tiffany letter, dated December 29, enclosed two designs for the reverse.[33] Davis acknowledged the letters on January 3, 1884, in these words:

> Your letters of the 22^{d} and 29th ultimo have been received. The former contained an estimate of the amount you would charge for designs and dies of the Seal of the United States and for presses for the same.
>
> The latter transmitted two designs for the reverse of the Seal which, with the design for the obverse previously submitted, are now being considered.
>
> I thank you for your attention to my request.[34]

Of at least five preliminary drawings submitted to the Department of State by Tiffany & Company, only three—two of the obverse and one of the reverse—can now be identified. The preliminary sketch of the reverse reproduced in illustration 39 was probably one of the drawings submitted in December 1883 and acknowledged in Davis' letter quoted above. Certainly it had been prepared in some haste, as the upper motto read *Annuit Cœptus* instead of *Annuit Cœptis*—an error unlikely to have been made at a later stage. A second drawing of the reverse referred to in the correspondence has not been found. The sketch of the obverse submitted by Tiffany & Company in December 1883 was presumably the one which Dwight sent to Boston for comment in January 1884.[35] That sketch showed Iroquois arrows, and it appears from a later item of correspondence that a distinguishing feature of those arrows in that drawing was their stone heads.[36] No drawing with stone arrowheads has been located. It therefore appears that the obverse shown in illustration 39 is not the

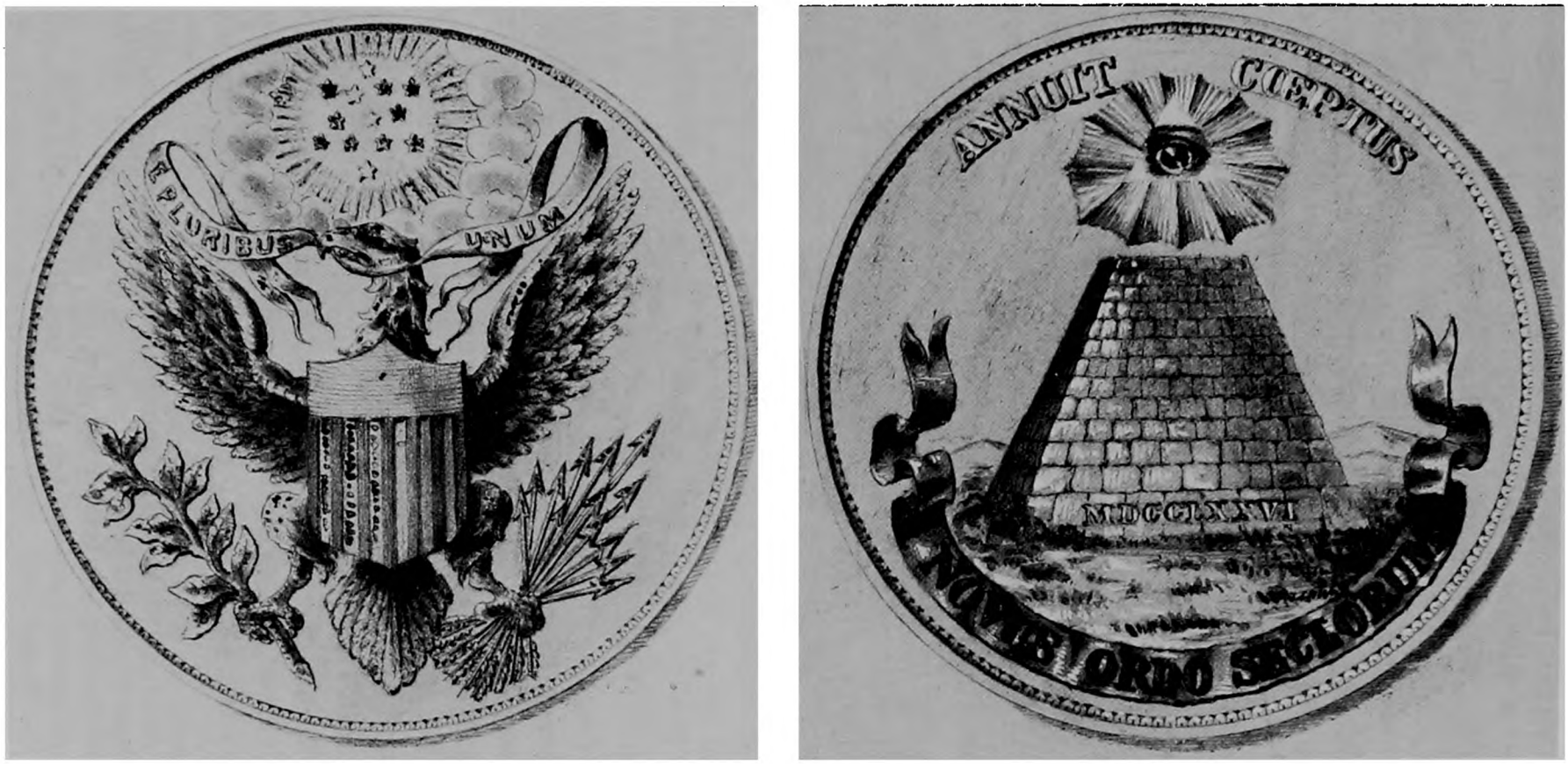
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[33] Register of Miscellaneous Communications Received, vol. IV. The letters themselves have not been found.

[34] Domestic Letters, CXLIX, 293–294.

[35] See *infra*, p. 248. At one time the coauthor thought that the illustration in Purtell, *Tiffany Touch*, p. 230, might represent another preliminary design of late 1884 which Purtell had found in the Tiffany photographic archive. The source of Purtell's illustration, however, could not be identified, and the Tiffany firm is certain that this illustration did not come from surviving Tiffany records, which were searched several times—unsuccessfully—for anything that might relate to the designing of the Great Seal die of 1885. Letter from Miss Garrison to Fredrick Aandahl, Historical Office, Dept. of State, Nov. 19, 1976, in the files of the Office of the Historian, D.S. Information supplied by Miss Garrison, Nov. 23, 29, 1976.

[36] See a letter to Dwight from the Rev. Edward E. Hale, Jan. 14, 1885, *infra*, p. 267.



39. Preliminary Drawings (1883/1884?) for the Obverse (*left*) and Reverse (*right*)

one submitted in December 1883. Except for the arrowheads, however, it fits the comments made about the obverse of December 1883,[37] so it is possible that it represents a variant of that drawing, using conventional European arrowheads, and it was perhaps prepared early in 1884. By the end of 1884, Tiffany's designer had worked out a radically revised design for the obverse which is reproduced as illustration 42.

James Horton Whitehouse, Designer

It is not possible in the case of the Great Seal die which Tiffany & Company eventually cut in 1885, as it is with other Great Seal dies, to state who personally and with his own hands did the engraving. The design work of the firm, however, was the responsibility of James Horton Whitehouse.

A letter to the Department of State dated March 25, 1889, explained what materials on the Great Seal the firm had retained, in the following terms:

> The only facilities we have for reproducing the Great Seal, are the cuts in the Illustrated papers, which appeared when the Seal was completed, and an impression in plaster of Paris taken from it before the work was finished, which was retained by our artist, M[r] Whitehouse, by permission of M[r] Dwight.[38]

The words "our artist" might be construed to mean that Whitehouse was either the designer or the engraver, or both, but a much later letter from Tiffany & Company to Paul Foster Case, evidently written in the 1930's, stated: "Mr. James H. Whitehouse was for many years prior to 1900 the chief designer of our House, and the details of the present seal were perfected and carefully drawn under his personal direction, and the steel seal was cut by us."[39] This would seem to indicate that Whitehouse probably made the original Tiffany drawings which were submitted to the Department of State, and he certainly made, or

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[37] See *infra*, p. 250. It was presumably the drawing criticized by William Henry Whitmore and John D. Champlin, Jr., on the ground that the shield had seven red and six white stripes. See *infra*, pp. 259, 264.

[38] Miscellaneous Letters, Mar. 1889, part II, D.S., R.G. 59, entry 102, N.A.

[39] Case, *Great Seal*, p. 10.

supervised the making of, revised and final drawings from which the die of 1885 was actually cut. But, although Whitehouse was an engraver as well as a designer, it appears that a Tiffany engraver whose identity is now unknown did the actual cutting.[40]

In view of the skill, taste, knowledge, and artistic judgment that Whitehouse brought to bear on his task of producing the die of 1885—which later served as the pattern for the die in use today—he deserves to be better known.

Seal engraver, jewel cutter, and art designer, Whitehouse was born in Handsworth, Staffordshire, England, October 28, 1833. He received his formal education at King Edward's School in Birmingham. In 1857 he came to the United States, where he found employment the following year with Tiffany & Company. There he became known for his skill and artistic taste in designing and engraving, was admitted to membership in the firm, and established a reputation as an authority in his field.

According to experts, some of the best known art pieces in precious metal created in the United States in the nineteenth century were designed by Whitehouse. Among them are the William Cullen Bryant [41] silver vase, presented to the poet on his eightieth birthday, November 3, 1874, and now in the Metropolitan Museum of Art; and the silver casket presented to Bishop Horatio Potter [42] on the twenty-fifth anniversary of his entering the ministry, November 25, 1879. A biographical sketch of Whitehouse published during his lifetime says of this casket that its elaborate design "was wrought by the repoussé process, the golden enrichments are carved by hand, and the damaskeening was richer and costlier than any similar work ever produced in this country". The sketch goes on to note that Whitehouse had "designed numerous national medals, as well as most of the U.S. corps badges that were made during the civil war". He also designed the memorial brasses in the tower of St. James's Church, Lenox Hill, New York.

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[40] This conclusion is borne out by Dwight's letter to Whitehouse of Mar. 3, 1885, quoted *infra*, p. 269, in which he told Whitehouse that "the engraver" had carried a line from a pale into the chief. Had Whitehouse himself been engraving the die (and Dwight presumably knew the situation), it is unlikely that Dwight would have phrased his comment in this way.

[41] For a biographical sketch, see *Dict. Amer. Biog.*, III, 200–205.

[42] For a biographical sketch, see *ibid.*, XV, 129.

With a substantial reputation in his field, Whitehouse was often consulted on the technicalities and applications of art and on the subject of heraldry. His recommendations and drawings in advance of the cutting of the die of 1885 were lasting contributions to the artistry and heraldry of the Great Seal within the specifications of the original resolution.

Whitehouse served Tiffany & Company continuously from his first employment there until late in life. On May 4, 1898, his coworkers presented him with a silver loving cup to mark the fortieth anniversary of his association with the firm. He died at his home, 430 Lafayette Avenue, Brooklyn, November 29, 1902, survived by his widow, two sons, and three daughters.[43]

A portrait sketch of Whitehouse is reproduced as illustration 40.

The Appropriation for New Seal Dies

With the Tiffany estimate at hand, Secretary of State Frederick T. Frelinghuysen on January 11, 1884, addressed identical requests for an appropriation to William B. Allison,[44] Chairman of the Senate Appropriations Committee, and Samuel J. Randall,[45] Chairman of the House Appropriations Committee. The letters read as follows:

> I have the honour to request that the Committee on Appropriations take into consideration the propriety of granting a sufficient sum of money to enable me to cause the Seal of the United States to be recut, and to obtain the appliances necessary for its use.
>
> Since the year 1782, when the device was adopted, there have been it is believed, but two dies of the obverse of the Seal, the only side which has been employed up to this time for sealing the authorized documents. The reverse of the seal has never been engraved by the Government. The original die of the obverse, after being in use for about sixty years was replaced by the present die, which has become very much worn and no longer gives clear impressions. It is also to be observed with respect to the latter that it does not strictly conform to the device established by

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[43] *Appleton's Cyclopædia*, VI, 479–480. *Natl. Cyclo. Amer. Biog.*, IV, 169–170. *American Art Annual*, 1903–1904, p. 147. *Who Was Who in America*, I, 1337. Groce and Wallace, *Artists in America*, p. 682. *New York Times*, May 5, 1898, p. 2; Dec. 2, 1902, p. 9.

[44] For a biographical sketch, see *Dict. Amer. Biog.*, I, 220–222.

[45] For a biographical sketch, see *ibid.*, XV, 350–351.

law. It appears to me therefore, to be eminently important that a new and correct die be made without delay.

While up to this time the reverse of the seal has never been required in the attestation of documents, by the exact interpretation of the law, the Seal is not complete without it, and as the expense of engraving it will add but little to the cost of a die for the obverse I consider that, in addition to complying with the law, it is a proper respect to pay to the founders of this Government, at this time, to carry out the purpose so clearly expressed by them in Congress, June 20, 1782.

Upon estimates which I have obtained, it is believed that the designs, dies, and presses, can be made at an expense of one thousand dollars.

In order that the Committee may have ready means for the consideration of this subject, I transmit copies of the proceedings in the Continental Congress on the adoption of the Seal; and that part of the law of the Federal Congress by which the same became the permanent seal of the United States.[46]

Anticipating your ready concurrence in this matter, I also submit forms of a Bill and of a clause to be embodied in the proper appropriation bill,[47] either to be employed as the Committee may determine providing for the amount required for the proper execution of this project.[48]

Two of the statements in the Secretary's letter require comment.

In the first place, the die in use when Frelinghuysen wrote the letter was not the second Great Seal die, but the fourth cut for that purpose. The Secretary was apparently unaware of both the Masi treaty-seal die of 1825 and the Baumgarten die of 1877 which was in actual use in 1884—not to mention the Samuel Lewis skippet-cover mold. Indeed, regarding the die of 1877, one suspects a conspiracy of silence among those subordinate officers of the Department who had made the blunder of reproducing the errors of the die of 1841.

Second, the Secretary's advisers in the matter, undoubtedly influenced by the erroneous assertions of Champlin, Totten, and some others, had misled him into thinking that the resolution of the Continental Congress of June 20, 1782, *required* or *ordered* the cutting of a die of the reverse, whereas that resolution had simply made available a design for a reverse, to be used if desired to impress the back surface of pendant seals. Dwight at least was fully aware of the reasons for providing a device for a reverse

[46] See Chapter VI, pp. 83–84, and Chapter VII, p. 153.
[47] Not printed.
[48] Report Book, XV, 190–195, D.S., R.G. 59, entry 142, N.A.

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of the Great Seal, for at about this time he suggested that another officer of the Department of State include the following information in a reply to a citizen's inquiry about the Great Seal:

> . . . the reverse of U.S. Seal has never been cut. You might add if you like That it was designed to form part of the Seal and not to be employed in any manner apart from obverse. The custom of Sealing by G[reat] B[ritain] e.g. treaties, might be described if it seems desirable to explain how the two sides of seal are used. I understand in such case there are two dies from which waxen impressions are made & when a doc. is to be legalized by such a seal the two impressions are fastened together after the ribbons or cords by wh[ich] they are to be attached to the doc- have been adjusted between them.[49]

In other words, the reverse was intended for use only on pendant seals, and the practice of affixing pendant seals had been abandoned by the United States Government in 1871.

When nearly six months had passed without action by the Congress on his request for an appropriation, Frelinghuysen wrote again to Allison on June 27:

> I had the honour to write to you on the 11th of January of this year to request that the Committee on Appropriations take into consideration the propriety of granting one thousand dollars to enable me to cause the Seal of the United States to be recut, and to obtain the appliances necessary for its use.
>
> I stated therein the most important of the many reasons which persuade me that the dies should be prepared without delay.
>
> I addressed a similar letter at the same time to the Chairman of the Appropriations Committee of the House of Representatives; as it has been observed that no provision is made in the Bill to provide for the Sundry Civil expenses of the Government for the next fiscal year reported to the House by that Committee, I have to request that you will cause the insertion of a clause in the said Bill, to the end that this important work may be executed.[50]

Action followed promptly. The clause as drafted by Frelinghuysen was inserted in the bill "making appropriations for sundry civil expenses" for the fiscal year ending June 30, 1885. Passing both Houses, the act received the President's approval on July 7, 1884. The relevant clause reads:

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[49] Handwritten memorandum, Sept. 22, 1883, in Miscellaneous Records, 1881–1909.

[50] Report Book, XV, 633–634.

To enable the Secretary of State to obtain dies of the obverse and reverse of the seal of the United States, and the appliances necessary for making impressions from and for the preservation of the same, one thousand dollars.[51]

Asa Gray's Advice

While these administrative developments were taking place, Dwight had not forgotten Totten's suggestion that the olive branch on the obverse of the Great Seal should be shown with leaves, flowers, and fruit. Presumably with Totten's suggestion in mind, Dwight wrote to Asa Gray,[52] the foremost botanist of his day, author of *Structural Botany*, of *Manual of the Botany of the Northern United States*, and of numerous other works, and Fisher Professor of Natural History at Harvard. Gray responded in a longhand letter dated September 15, 1883:

1. The American Olive . . . is figured in Michaux' Sylva [53]— But you may leave that all aside. For it is not strictly an olive, is not the classical olive, which you would be well nigh restricted to,—and both in growth & foliage does not well lend itself to your views.

2. My pub^{n} and the published figures do not lend themselves to the idea that flowers & fruit occur simultaneously, at least on same branch. But I see no serious objection to your representing the blossoms on the upper & the fruit on the lower part of the representation.— Yet the flowers are so small as to be of little account, when reduced to the size of the seal.

Gray then made suggestions as to plates or figures which Dwight could consult.[54]

Dwight seems to have pondered this matter for some time, as it was not until January 28, 1884, that he wrote to Totten, taking issue with some of the latter's observations. Dwight's specific reservations on matters of design were stated as follows:

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[51] 23 Stat. 194.

[52] For a biographical sketch, see *Dict. Amer. Biog.*, VII, 511–514.

[53] *The North American Sylva, or, A Description of the Forest Trees of the United States, Canada and Nova Scotia*. By 1883 numerous printings had appeared of Augustus L. Hillhouse's English translation (with this title) of a work in French by François André Michaux.

[54] Gray's letter is in the Theodore F. Dwight Papers, Mass. Hist. Society, Boston. Dwight's letter to Gray has not been found.

> You express the belief that the Olive branch should be represented with leaves, flowers & fruit and that the same should be arranged in distinct growths, in order to carry out an artistic and a symbolic idea. I am quite convinced that there is no symbolism which is not drawn from a perfectly natural source; for symbolism is found in a coincidence between a natural form & a spiritual idea, the form suggests the idea; a coincidence would lose its symbolic value were it prepared and composed. On this ground I object to the representation of a state of things on the seal which has no authority in nature, or to give an eccentric or abnormal form in order to attach an idea to it.
>
> As to the form of the scroll, permit me to say, that the definition of the word as understood by the authors of the device is expressed in the first die of the obverse of the seal. That die has been taken as the standard not only as illustrating the intentions of the authors but as having the authority of law.

Dwight said further that the arrangement of the stars in the shape of a star was authorized by the die of 1782. That device contemplated the representation of a "new Constellation", and this last word indicated form and "not a formless group."[55]

William S. Appleton's Advice

At about the time he received Gray's letter, Dwight wrote to Justin Winsor, Harvard's Librarian, and asked Winsor whom he might consult on heraldic questions. Winsor replied on September 21, 1883, that the individuals in the Boston area best able to give heraldic advice were William S. Appleton and William H. Whitmore, both of whom had "made special studies of the subject".[56]

Dwight did nothing immediately, but on January 3, 1884, the day on which Davis acknowledged receipt of the Tiffany estimate, he wrote to Appleton, broaching the subject in the following way:

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[55] Copy in Miscellaneous Records, 1881–1909. Totten did not include this letter in his book.

[56] Winsor's letter is in the Theodore F. Dwight Papers; Dwight's letter to Winsor has not been found. Concerning Winsor and Whitmore, both of whom were consulted later about the seal design, see *infra*, pp. 256, 258. For a biographical sketch of Appleton, see *Lamb's Biographical Dictionary*, I, 112. Appleton was a genealogist, author of *Medals of Washington* and *Issues of the U.S. Mint*, and a former editor of the *New England Historical and Genealogical Register*.

> The Department contemplates the recutting of the obverse of the Seal of the United States, in order to rectify certain details, which are not in conformity with the law, in the die now in use; and to carry out more artistically and accurately the intentions of the originators of the device. At the same time it is proposed to cut the reverse. To this end a skilful artist [57] has been employed to prepare designs; but before deciding upon them, it is desired that the opinions of those who have made an especial study of the subject, be obtained, as to their faithfulness to the original device and their accordance with the rules of heraldry.

Dwight enclosed the Tiffany designs—probably the two reverses and one obverse that Davis had acknowledged—and stated that the die of 1782 had been

> . . . taken as the standard for the new design. No attempt has been made to change its form, further than to improve its proportions & bring out distinctly its essential traits, save in one particular. The exception relates to the arrows. Instead of representing that barbarous weapon in the Asiatic or European form, the artist has introduced the barb and fledging of the arrow peculiar to the Iroquois Nation, as it seems not improper to use the symbol of the first great confederation, of which we have any knowledge as existing within the present limits of the U.S. Though I trust that you will scrutinise every detail, I would be glad to have your comments on this one especially. It is only a suggestion and will not be adopted unless the Department is perfectly satisfied as to its propriety. I ought to add that these are only sketches and not finished designs.

Asking for speed and confidentiality, Dwight nevertheless suggested that he would be glad to have Whitmore's opinion and that of anyone else "entirely competent to criticise the designs"; and he asked if Appleton could suggest any method by which both obverse and reverse could be struck on documents.[58]

Appleton's reply has not been found either in Department of State records or among the Dwight and Appleton papers available in Boston. It seems clear, however, that Appleton did not consult Whitmore. And some of Appleton's criticisms and suggestions were reflected in the following letter which Dwight sent to Whitehouse on August 5, 1884, after appropriations for the proposed new dies had been provided by Congress:

> I break my long silence to inform you that I am now prepared to resume the consideration of the new dies for the Seal of the United States.

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[57] The reference is presumably to Whitehouse.
[58] Library Letters, X, 351-354.

By provision in one of the general appropriation acts of the late session of Congress, the Secretary was enabled to execute the projected work, and I trust that now it may be undertaken without undue delay and that before another Session we can show a worthy representation of the device so long ago adopted.

I have carefully studied the sketches which you furnished and I am very greatly pleased with them in most particulars; but I venture to call your attention to one or two details which I think you can without doubt improve upon, that is to say:

First, as to the Obverse: The chief point which I have noticed for improvement, is that the sinister talon of the eagle appears to have but an uncertain grasp of the bundle of arrows, which it is by law permitted to hold; cannot the shafts be more conveniently arranged to suit the talon's capacity and yet preserve the proper display of the tips and feathers?

I send a note which I received early in the year from Mr. Appleton of Boston to whom I submitted the designs. He was pointed out to me by a friend as competent to criticise them. I assume that your drawings from the veritable bird are accurate and that his remarks as to the want of proportion are not well founded. One of my artist friends has expressed the opinion that the head is rather too large for the wings, that is to say that the wings seem to belong to a smaller bird; he states that the wings might start nearer the head above the points of the shield, or that the shield might be made a trifle smaller or be raised a little higher. I suppose that you have chosen the position of the shield, as given in the design, in order to permit the head to have the effect of a crest thereon.[59] I must of course trust to you for absolute accuracy in such points. Mr. Appleton's suggestion as to hanging the shield by a ribbon or cord from the neck of the eagle is worthy of consideration; let me know if you consider it feasible.

Is there any way to give heraldic indications of the colors of the olive branch and fruits, of the arrows, and of the scroll? Did you consider the propriety of letting the rays of the "glory" pierce the clouds?

Second, as to the Reverse: We prefer the design which you have marked "No. I.". Is the pyramid drawn to the scale of the Great Pyramid? The Triangle does not seem to me of the dimensions to perfectly finish the point of the Pyramid; would it be proper to give a different perspective to the pyramid and is the side in perspective the true side to be shown? If any significance can attach to either side I would prefer that which means the East, to that which means the West. Is there any choice, too, as to the eye? I think in all medallic or monumental work of the Romans the inscriptions were incised and in plain letters, you have given a shaded block letter, I think a perfectly plain Roman letter preferable. It has been

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[59] These remarks seem applicable to the preliminary drawing of the obverse reproduced in illustration 39. See the discussion of the preliminary drawings, *supra*, pp. 240–242.

remarked that the pyramid should be stepped; but if I am correctly informed the veritable pyramids of Egypt were finished with smooth sides and that the steps, or indentations now appear, because the surface stones have been removed, if such is the case your representation needs no correction in that respect.

Am I correct in the impression that you propose to submit finished drawings of both sides of the Seal, if so your further elaborations will appear thereon and enable the Secretary to understand distinctly the designs to be employed before giving his definitive order for cutting the dies.

As the estimate received from your house for all the required work, includes presses and other appliances for the care of the dies and for making impressions from them, I think it would be well if Messrs Tiffany were to state the exact character of the fixtures they propose to send. Perhaps this matter should be suggested to them direct, rather than through you.

I return the three designs herewith and hope to hear from you at an early day.[60]

In line with the suggestion made at the end of Dwight's letter to Whitehouse, Assistant Secretary of State John Davis sent to Tiffany & Company on December 8, 1884, the following letter:

Referring to your letter of the 22d December 1883, in which you stated the amount of your estimate of charges for cutting two dies, obverse and reverse, of the seal of the United States and for the press and appliances necessary for their use and preservation, I now ask that you will inform me in detail the articles you propose to furnish for that amount.

I will thank you to inform me also, if you purpose to cut the dies in steel, and how long a time will be required for the cutting of the obverse, after the finished and accepted design has been returned to you.[61]

The firm replied with a letter dated December 11, now missing, and the following letter of December 12:

Referring to our respects of yesterday, in answer to your inquiry of the 8th, we beg to say that for the sum estimated we will furnish the steel dies for the reverse and obverse of the U.S. Seal with the metal counters and the presses, which latter shall be those to produce the best possible

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[60] Library Letters, XI, 290–295. Tiffany & Company must have sent these preliminary sketches back to Dwight at a later date with at least one further drawing. In the lower margin of one of the pages of Dwight's letter to Whitehouse the words "for the legend" appear very faintly on the record copy; they may have been intended for an interpolation before the clause "you have given a shaded block letter" in the fourth paragraph from the end.

[61] Domestic Letters, CLIII, 379.

impressions and in the most convenient manner. As to the protection of the dies it shall be the most desirable form. After the order is given and while the dies are being cut we would meet the right person from the Department to agree on these minor points. We can promise to complete and deliver the die for the obverse in about six weeks from receipt of the order.[62]

The Tiffany Suggestions as to Design

On December 13, 1884, an officer of Tiffany & Company named Beal wrote at length to Dwight. The letter shows that the firm had been carefully and thoughtfully working on designs for the dies and had taken into consideration his comments of August 5, printed above. The text of Beal's letter follows:

We send you the designs for the obverse and reverse of the United States seal. After having studied carefully the description of the devices as adopted by Congress in 1782, and considered also the suggestions and remarks that we have of late seen and received regarding the same, we have carried them out strictly according to the rules of heraldry, and shall if we cut the dies, do it according to the most approved detail of such work.

The eagle is the American bald eagle and has been drawn after careful studies and made as natural as the rules of heraldry will permit. We have decided that the *third* feather should be the one extending to the end of the wing. The escutcheon on the eagle's breast is drawn as described the direction of the lines indicating the colors. As no stars are mentioned in the chief,[63] they have not been introduced here. The suggestion to suspend the shield from the neck of the eagle by a ribbon or cord, we have not carried out, as it would not be proper, and would rob the whole arms of its dignity. The rays are purposely not extended beyond the clouds; all that is desirable in that direction has been done, but to allow them to project in the manner spoken of and as we often see them cut, would be to convey a wrong and very weak idea of the original intention. We have used the classical olive and have decided not to introduce the flowers: the fruit (13) and the 13 leaves speak for themselves in a very clear and positive manner, but the flowers, while they suggest a growing and fruitful future, would, as no special number could be used, give an uncertainty not desir-

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[62] Miscellaneous Records, 1881–1909.

[63] Although the stars in the Great Seal blazon are in the crest only, American artists in the nineteenth century frequently introduced stars into the chief or upper part of the shield in the eagle-and-shield carvings and paintings which were very popular at that time. For examples, see Isaacson, *American Eagle*, pp. 13, 48, 51, 53, 68, 71, 73, 78. The Tiffany designer properly discarded this departure from the 1782 blazon.

able, for it would always be supposed that the particular number of flowers used must have a meaning, while that meaning is not there.

Indications of color should not be given in the olive branch, fruit, arrow scroll &c: they should be represented, as termed in heraldry, "proper".

Regarding the reverse the pyramid is drawn to the scale of the great pyramid: the side seen in perspective to the right means the East, this view being desired. The eye and the date on the foot of the pyramid should not be incised: on ancient monumental work and work of that character it would be so, but on a seal it would be in relief, for as all the work on the die is sunk, on the impression it of course would be in relief.

The letters used in the Latin mottoes are the simple and particular Roman letter generally used, and in fact is the best letter used for the purpose.

Regarding the scroll containing the "E pluribus unum" we consider the present form altogether the best to use as the sheet scroll mentioned would interfere with the eagle, while the old form of scroll falls in well with the general design.

The dies will be of steel.[64]

The revised design for the obverse of the Great Seal that accompanied Beal's letter is reproduced as illustration 42. Two copies of this drawing are loose in the file of papers which includes a part of Dwight's correspondence with Tiffany, and the drawing fits the details explained in Beal's letter in every respect but one. It shows the American bald eagle, with the third feather extending to the end of the wing; it has no stars in the chief or upper part of the shield; the rays in the glory do not extend beyond the cloud; there are no flowers on the olive branch, but there are thirteen leaves and thirteen olives; and simple roman letters are used for the motto. Beal's letter stated, however, that the shield was drawn with the "direction of the lines indicating the colors", and there are no horizontal lines in the chief of this drawing to indicate blue (*azure*); indeed, as shown, the chief would have to be construed as being white or silver (*argent*). This lack in a drawing otherwise so meticulously prepared, and so similar in details to the design finally executed, suggests that this drawing is a preliminary draft of the final design. A possible explanation for the lack of horizontal lines in the chief is that Tiffany & Company was waiting for a comment from Dwight on its decision not to introduce stars in the chief; by leaving

[64] Miscellaneous Records, 1881–1909.

the chief blank, it would be possible (if Dwight concurred) to draw in the horizontal lines for blue or (if Dwight disagreed) to draw in stars, without in either case having to redraw the entire design. This explanation is given some weight by the following handwritten endorsement by Dwight on the back of the letter of December 12, 1884, from Tiffany & Company to Davis, quoted above: "No need to mention tips in chief". If the explanation offered is the true one, this endorsement would mean that it was understood between Dwight and the firm that Tiffany & Company, having been informed of the Department's agreement that stars should not appear in the chief, would draw the horizontal lines (or "tips") in the chief without being given specific written instructions to do so.

Charles Eliot Norton's Advice

Shortly after receiving the new—and much revised—drawing of the obverse, Dwight sought further advice, writing to Charles Eliot Norton,[65] a famous editor, author, and Harvard professor whose courses related the history of the fine arts to social progress, culture, and literature. From the correspondence that followed Dwight's letter to Norton, it would seem that Dwight sent to Norton at Cambridge not only the new Tiffany design for the obverse of the Great Seal but also an earlier drawing of the obverse (possibly the one reproduced in illustration 39) and two earlier drawings of the reverse. Norton's reply, dated at Cambridge on December 24, 1884, read in part as follows:

> It is greatly to be regretted that the device adopted in 1782 is of so elaborate and allegorical a character. The most skilful treatment of it could not make it satisfactory as the design for the seal of a great nation. It is little better than a very complex *totem*.
>
> But as this is now the established device, the best way, I believe, to deal with it would be to treat it as conventionally as possible,—giving it a strictly heraldic character.
>
> If this be the correct view the drawing of the obverse, furnished by Tiffany & Co., errs in giving to the eagle too realistic a treatment. The attempt should be to represent a heraldic and not an actual bird, for thus some of the more glaring absurdities could be toned down. The talons of

[65] For a biographical sketch, see *Dict. Amer. Biog.*, XIII, 569–572.



40. James Horton Whitehouse



41. Theodore F. Dwight



42. Whitehouse's Preliminary Drawing (1884) for the Obverse



43. Newspaper Print (1885) of Whitehouse's Final Design for the Obverse

a heraldic bird can grasp a sheaf of arrows,—but the size and action required excite a smile if the bird be treated realistically.

I doubt whether the change you suggest in the form of the arrows is desirable. Does not any symbolic reference to the Iroquois Confederacy introduce an incongruous association and suggest at least an incorrect analogy? Our Union had nothing to do with the Iroquois. There should be nothing in the emblems of our Union which should unnecessarily suggest barbarism.

As to the reverse, the device adopted by Congress is practically incapable of effective treatment; it can hardly, (however artistically treated by the designer,) look otherwise than as a dull emblem of a masonic fraternity. But it seems to me that it is practicable to give a somewhat more interesting presentation of the device than has been done by Tiffany & Co.'s designer.

I venture to suggest whether it would not be well to send the description of the device adopted by Congress to Mr. Lowell,[66] and to ask him to get a design from the heraldic draughtsman of highest repute in London. He might at least give suggestions of value.

It might, perhaps, also be desirable to ask for a design from one or more of our sculptors, who, if they did nothing more, might indicate the varieties of treatment of which the design is susceptible.

I have no doubt that Mr. Russell Sturgis,[67] of New York, well known to Tiffany & Co., would be a very useful counsellor.[68]

Justin Winsor's Advice

Norton passed on the Tiffany drawings, a partial (and corrupt) copy of his letter to Dwight, and possibly Dwight's letter to him, to Justin Winsor,[69] historian, author, critic, a founder of the *Library Journal*, and Librarian of Harvard College. On December 27, 1884, Winsor wrote to Dwight:

Mr. Norton has handed me the designs for a seal &c; with a copy of his note to you (in part). I have appended to it my own views, and sent the whole to Whitmore and asked him to examine and forward to you.

---

[66] James Russell Lowell was Minister to Great Britain, 1880–1885. For a biographical sketch, see *Dict. Amer. Biog.*, XI, 458–464.

[67] For a biographical sketch, see *Dict. Amer. Biog.*, XVIII, 181–182. Sturgis, architect, critic, writer, designer of Battell Chapel and other buildings at Yale, was at this time secretary to the municipal Civil Service Board in New York City.

[68] Norton's letter is in the Theodore F. Dwight Papers. Dwight's letter to Norton has not been found.

[69] For a biographical sketch, see *Dict. Amer. Biog.*, XX, 403–404.

Whitmore is a queerer bird than the American Eagle and you may have to prompt him to get the drawings back.[70]

Winsor's views and the drawings did reach Dwight promptly, however. Winsor had marked his copy of the first five paragraphs of Norton's letter quoted above from A to E, and the notes which he sent to Dwight via Whitmore, quoted below, were marked accordingly.

Notes by Mr. Winsor on Mr. Norton's letter.

A I quite agree

B It seems desirable so far as the original order of Congress permits, to use heraldic media in presenting a heraldic proposition; but I do not see how

C the order of Congress can be complied with if Mr. Norton's suggestion is followed. An heraldic eagle—preferable certainly—would hardly be "the American Eagle displayed proper", which language would clearly imply that it was not the purpose of Congress to show an heraldic bird. Whether present authorities can venture to correct their bad taste, may be a question. There is no question, I think, that a conventionalized treatment could be made more Consonant, and actions, as Mr. Norton suggests, treated realistically excite a smile, which if smothered with conventionality, become endurable.

D It seems to me better, as long as the language of the order permits it, to keep to the conventional barbed arrow. If our union had any antetype it was the N.E. Confederacy of 1641, not the "Long Cabin" of the Iroquois, and the conventional form of the arrow is the most intelligible.

E The design (reverse) of the original order is both unintelligible and commonplace. If it can be kept in the dark as it seems to have been kept, why not keep it so.[71]

On a letterhead of the Harvard College Library, Winsor wrote briefly to Dwight again on January 2, 1885. Acknowledging a letter from Dwight of December 30, the text of which is not available, Winsor mentioned receiving a letter from Whitmore, evidently also of December 30, saying that the latter had returned the Tiffany drawings to Dwight. The text of Winsor's letter follows:

I have your note of 30th. Mr. Whitmore has written to me that he has written to you and sent on the designs.[72] When you say "It might be well to reproduce the original die",—you suggest what is really my

[70] Theodore F. Dwight Papers.
[71] Miscellaneous Records, 1881–1909.
[72] See the following section of this chapter.

opinion. There is a certain naïvely archaic look about it which is honest and covers a multitude of artistic sins, in a way that will not be easy to do by a modernization of it. I like to preserve such original devices.[73]

William Henry Whitmore's Advice

William H. Whitmore [74] wrote from Boston December 30. His letter discloses that he had before him the comments of Norton and Winsor, two drawings each of the obverse and reverse, and Dwight's own "notes" (presumably part of his missing letter to Norton). Four pen sketches that Whitmore drew in his letter to illustrate his ideas with respect to the eagle, the shield, and the crest are here reproduced in facsimile at the places at which they occur in the original letter. Whitmore wrote:

I have carefully considered the drawings & your notes, as also the comments of Messrs Norton & Winsor sent herewith.

1" I feel sure that the treatment should be heraldic. An eagle *displayed* must be an heraldic one. The term "American eagle["], I infer, means a bald-headed eagle, not the European type which shows in heraldry a tuft or crest on his head. This is allowable, just as a double-headed eagle is.

But I think Tiffany's eagle is badly displayed. The best examples give the wings raised to the shoulder & then dropping, which is more graceful & natural. I take it that no bird can put his wings thus



But the right form for an eagle *displayed* is [75]

---

[73] Miscellaneous Records, 1881–1909.

[74] For a biographical sketch, see *Dict. Amer. Biog.*, XX, 153–154. Whitmore was the author of *The Elements of Heraldry* and had edited three of the four volumes of the *Heraldic Journal* (1865–1868).

[75] Although the eagle in this posture was used as "displayed" on the Dept. of State and Supreme Court seal dies cut in 1790 (see Chapter XVIII and illustrations 87 and 88), this posture is now termed "displayed with wings inverted" in standard heraldic works, e.g., Fox-Davies, *Complete Guide to Heraldry*, pp. 236–237; Franklyn and Tanner, *Encyclopaedic Dictionary of Heraldry*, pp. 114–115.



Now this is a fundamental point, for, if I am right, Tiffany's bird is bad heraldically. I have seen some like his, but only where the drawing was *very* conventional, no attempt at showing feathers, but a wing composed of scrollwork. I refer you to a fine eagle in Bouton's great Heraldry.[76]

The shield is also too square— With a more upright bird you could have the shield longer. It should be



preferably the lat[t]er. By the way the pales must begin & end with *argent*. One of T's drawings does not.[77]

As to the arrows they must be of the usual form unless the blazon specifies it. For example a bird-bolt is a blunt arrow—but it cannot be used for the latter where the blazon says an *arrow*.

With a more upright eagle the talons would be lower down & the olive branch & arrows more directly below him.

I should strongly advise you to have a drawing made on the plan I suggest. I can get one done here very easily, enough to show the idea— The Tiffany eagles are too much on the "spread eagle" pattern.

As to the crest, I think the circular cloud is too heavy. I suggest that you have one so placed as to be instead of the usual heraldic wreath— Thus:



[76] Presumably the work by Victor Bouton entitled *Nouveau traité de blason*.

[77] This comment suggests that the obverse reproduced in illustration 39 was one of the drawings which Whitmore had before him, as that begins with *gules* rather than *argent;* that is, it has seven red and six white stripes, whereas the Great Seal blazon prescribes seven white and six red stripes.

with a glory made of lines like Tiffany's reverse seal—the pyramid. In that, place your constellation. This will lighten up the whole wonderfully.

As to the reverse I like the darker card the better. It is a thankless task to arrange it & as Prof. Norton says, use it as little as possible.

I keep your description till I hear whether or not you would like a new drawing.

I am very sorry to be so much opposed to the drawings, but heraldically they are very bad, and I am sure that you must treat the subject heraldically.[78]

Dwight answered Whitmore's letter of December 30 on January 6, 1885. The answer is available in the form of a typewritten draft, the first page of which is a Department of State letterhead with the word "Copy" penciled in the upper left-hand corner. The draft contains numerous penciled corrections and interlineations, some of which, particularly those in the last three sentences, are difficult to decipher. The text, with a few typographical errors corrected, follows:

I am personally greatly indebted to you for your letter of the 30th ultimo, concerning the designs submitted by Tiffany and Co. for dies of the Seal of the United States and I have also to offer you the thanks of the Department. My delay in acknowledging it is attributable to a pressure of work which at this season leaves me but little leisure for other than the current duties of my office.

I fully agree with you as to the too elaborate and detailed character of the drawings, and in that the bird should be presented more heraldically and conventionally. Such a treatment was expected and can still be given so soon as the form is decided upon. The distinctive features of the American eagle can be preserved in such conventional treatment.

The suggestion as to the change of the form of the arrows, came from a feeling that it would be well, if permissible, to make use of American forms rather than Asiatic or European; but from the first I considered it a questionable interpretation of the device. I shall of course abandon any further thought on this point in view of your criticism and cause the technical form of barb to be employed.

I did not dwell in my letter to Prof. Norton on the original die, still in existence, which is supposed to have been executed under the supervision of Thomson and Barton, the authors as it is believed of the device. That has been adopted, naturally, as the standard; and in giving directions to Mr. Whitehouse, Tiffany's chief artist, I stipulated that he should follow it, so far as it could be taken as a guide, in his sketches; he was expected to

[78] Miscellaneous Records, 1881–1909.

do little more than represent the traits of that die artistically, except in the matter of the arrow points.

Is not that die to be regarded as in some sense sanctioned by long use, and in view of its origin, as entitled to the same authority as a law. Do you think that we should be justified in establishing a new standard.

In that die the wings of the eagle are displayed as they appear in the new drawings. The position of the wings has been under consideration and the form you suggest was not adopted, because the only authority I could find who discussed the forms of the eagle described that which you recommend as "the rising eagle". It is a more agreeable form, and capable of better treatment, than that of which I have understood as, technically, "displayed proper."

The crest as given in the new drawings corresponds to the form of that of the original die.

On referring to the order of 1782, on this point, it seems to me that we have no liberty to depart from that form, as it reads: "a glory, or, breaking through a cloud, proper, and surrounding thirteen stars." It has been advised that an appearance of more splendor would be gained by allowing the rays of the glory to extend beyond the clouds, as though piercing them; but to that advice I did not feel warranted in agreeing, as the old die gave no authority therefor.

I will thank you to obtain a drawing according to your views, if you will take the trouble to cause one to be made. The Department will willingly meet whatever expense may be incurred, I assume that it will not be a matter of great expense. Unfortunately owing to the delay of Congress in providing the requisite means for the work, only a few weeks remain in which the new die or dies can be executed under the present administration. For the present purposes we shall not order the reverse, as Mr. Winsor remarks, it has been so long kept in the dark, a few months more of shade will do it no harm. I would like to have your opinion, if adverse to the cutting of the reverse side. The law distinctly specifies it; and it was not cut, presumably, at the same time as the obverse, because the latter was urgently needed, even as a new die of it is to-day. The subject was probably lost sight of at that time when all the thoughts of the fathers were engaged in the foundation of the Republic. I do not expect that the reverse can be conveniently used for the purposes of sealing documents, but it is not in my opinion improper that the device should now be determined and cut; this is also the opinion of many who have specially studied the seal.

I pray you to give me all your corrections of these views in variance from yours as expressed in your letter.[79]

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[79] Miscellaneous Records, 1881–1909.

552-751 O - 78 - 20

On January 12, 1885, Whitmore wrote briefly to Dwight from Boston on the letterhead of the Milan Mining Company, of which he was then treasurer:

> I have had a drawing [80] made according to my ideas— I have sent to Mr. Winsor to come & examine it, & shall mail it to you tomorrow.
>
> I reserve my comments on it till then, remaining [81]

Whitmore wrote to Dwight again the next evening:

> After waiting in vain today for M[r] Winsor, I mailed you tonight the drawing.
>
> On this I wish to observe that the eagle is carefully copied from one of the finest specimens of heraldry I have ever seen. Luckily it is bald-headed & therefore American. It is a fine, bold & striking figure & I think you will allow that it makes a more artistic device than Tiffany's.
>
> 2[d] I think the arrows & wreath are better subordinated in this than in the other.
>
> 3[d] I especially ask you to look at the upper part. The cloud & glory are right heraldically & the effect is far better than in the circular clouds in T's example. I feel sure that you will adopt this part.
>
> As to the lettering, should there not be an inscription around the edge saying "Seal of the United States of North America" or the equivalent Latin, if you prefer it? I should prefer in fact the Commonwealth legend [82] of "The Great Seal of the United States of North America." Royal seals have of course the monarch's name & so I doubt if there be a *national* seal of England, except that of the Commonwealth period.
>
> If this were done the letters can be drawn around the margin.
>
> As to the cost I have no charge to make. I don't know what the draughtsman will expect. If you choose to send him $10 (ten dollars) it will be enough. If it is not in the usual line of your department, just let it drop, as I shall be glad to have done so much for a good cause.
>
> If you like the design you might add the inscription & send a photograph or two— -|- I should like the original drawing to put in our Society's [83] cabinet after you have done with it.
>
> If I can be of any farther service pray command me.[84]

---

[80] This drawing has not been found.

[81] Miscellaneous Records, 1881–1909.

[82] That is, one patterned on the legend encircling the great seal used in England under the Commonwealth. The reverse of the Commonwealth great seal of 1651, showing an encircling legend, is illustrated in *Encyclopædia Britannica* (1971), VIII, 503. Both the obverse and reverse (counterseal) of the Commonwealth seal of 1651 are illustrated in Wyon, *Great Seals of England*, plate XXXI. The encircling legend of the obverse, in roman letters, is: "The Great Seale of England 1651".

[83] Presumably the Mass. Hist. Society. Whitmore was also a member of the Prince Society, of Boston.

[84] Miscellaneous Records, 1881–1909.

Receiving no answer to the foregoing letter, Whitmore telegraphed on January 20, and Dwight replied acknowledging the letter. Thereupon, still on January 20, Whitmore wrote Dwight the following note:

> Not hearing from you, I began to fear that my drawing had been missent, & so I telegraphed today to find out. I have your reply saying that it was received.
>
> I hope it was sent in season and has found favor in your eyes. If a new seal is to be made, it should represent the best art & taste of the time. There is no question that heraldic art a century ago was at its lowest point, & that the revival therein within the past twenty five years has been marked & gratifying.
>
> I therefore hope that you will not merely copy an old style because it is old.[85]

Dwight's endorsements on the three preceding letters from Whitmore indicate that he acknowledged them on March 5. The acknowledgment is not available.

The Advice of John D. Champlin, Jr.

John Denison Champlin, Jr., whose critical article in *The Galaxy* has been mentioned earlier in this chapter, wrote to Dwight from New York City on January 7, 1885. His original letter has been preserved. Seemingly, he did not have at hand the comments of the other consultants. He did have in front of him, however, the four Tiffany drawings already mentioned, two proposals for the obverse and two for the reverse. His letter reads:

> It seems to me useless to regret that Congress did not adopt in 1782 a different device for the great seal of the United States. The present device was legally adopted and all we can do is to follow the provisions of the act, having an eye of course to *general* heraldic propriety; but even if the laws of heraldry are transgressed in some minor particulars, I think we are still bound to follow the letter of the law, despite the rules of heraldry. If we *must* have a strictly heraldic seal, let us go to work ab initio and change the law.
>
> If this be, as I believe it to be, the true way of dealing with the question, let us see whether the designs furnished by Tiffany & Co. fulfill the provisions of the law.

[85] Miscellaneous Records, 1881–1909.

1. The law reads: "Paleways of thirteen pieces, argent and gules, a chief, azure." The drawing marked A is correct in this particular; the other is incorrect, because the pales are gules and argent instead of argent and gules. This differs from the order of the stripes on the national ensign, as stated in my article in the Galaxy in 1877. The pales should all be of the same width.

2. "The escutcheon on the breast of the American eagle displayed proper." In Mr. Barton's device of June 13, 1782, of which that adopted by the committee is a modification, the American eagle is expressly called the "bald-headed eagle", so there can be no question on that point. The eagle must be an American eagle and not the ordinary heraldic eagle. It must be displayed, not with *wings displayed* (in which case it would be represented perched), but "displayed", that is with both wings and talons extended. In my opinion the drawing is correct, though I would suggest that the treatment, especially of the wings, might be a little less realistic, and still comply with the law.

3. "Holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak" &c. The olive branch and arrows should of course be of the conventional form, as no other is specified.

4. Crest—"a glory, or, breaking through a cloud, proper, and surrounding thirteen stars forming a constellation, argent, on an azure field." This is bad, very bad, heraldically, but I see no way out but to reproduce the original, which I think is done in the drawing.

[5.] Reverse. "A pyramid unfinished." The law does not call for a pyramid of thirteen courses of stone,[86] as in the drawing, but there is no harm in it. In the die of 1841 there is a plain base with the date on, and thirteen courses above that.[87] I like the perspective in No. 1 better than that in the drawing marked B. I would suggest that the letters forming the date at the base be placed each on a separate block of stone, and not separated by periods, which is of doubtful authority. There might be a period after the M. and after the DCC., but not after each letter.

6. "In the zenith an eye in a triangle, surrounded with a glory, proper." I think I prefer drawing No. 1, in which the rays of light are less pronounced. The eye, however, might be made a little more prominent.[88]

---

[86] The tradition of thirteen courses of stone, however, goes back to William Barton's second design for the Great Seal, prepared in 1782. See illustrations 8, 12.

[87] This is a curious error. There was no "die of 1841" of the reverse of the Great Seal. Champlin is here describing the picture of the reverse that is one of Lossing's illustrations with his article in *Harper's New Monthly Magazine* for July 1856, p. 184. That article is discussed in Chapter VI. Dwight had used Lossing's illustration in getting estimates of the cost of cutting such a die. It is reproduced here as illustration 70.

[88] Miscellaneous Records, 1881–1909.

The Dies Are Ordered

While Dwight was still carrying on this correspondence with his consultants, the Department of State came to a decision on ordering new Great Seal dies. The order, in the form of a letter of January 9, 1885, from Secretary of State Frelinghuysen to Tiffany & Company, was in the following terms:

> By authority of a provision in an act passed at the First session of the Forty-eighth Congress, approved July 7, 1884, and entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes." I have to request that you will cause to be executed, at your earliest convenience, a die of the obverse and a die of the reverse of the seal of the United States.
>
> It is understood that in the execution of these dies you will follow the designs transmitted with your letter of the 13th ultimo, as modified by me to agree with the device adopted by the United States in Congress assembled June 20, 1782, and with the seal used by that body, which was declared to be the seal of the United States, September 15, 1789.
>
> The modifications to which I refer will be communicated by Mr T. F. Dwight, Chief of the Bureau of Rolls and Library of this Department.
>
> Referring to your letters of the 22d December, 1883, and 12th December, 1884, containing your estimate for the work in question and descriptions of the articles to be furnished I have further to request that you will also provide the necessary presses and cases which will be required for the use and safekeeping of the said dies as they shall be determined by Mr Dwight.[89]

It should be noted that Frelinghuysen specifically ordered dies of both the obverse and the reverse of the Great Seal and that, although modifications in design were contemplated, the Tiffany designs of December 1884 were to be the basis of the work performed. In other words, most of the comments made by Dwight's consultants—and certainly Whitmore's last comments and the drawing which he submitted—had very little effect upon the design of the obverse finally executed by the Tiffany firm.

Augustus Saint-Gaudens Is Consulted

Frelinghuysen signed the order for the new dies on a Friday, and by Sunday evening, January 11, Dwight was in New York

[89] Domestic Letters, CLIII, 617-618.

City. It is likely that he carried the order with him and delivered it in person to Tiffany & Company on January 12. And while in New York Dwight acted on Charles Eliot Norton's advice quoted above that he seek the counsel of Russell Sturgis and of an eminent sculptor.

The evidence supporting this reconstruction of events is persuasive although maddeningly fragmentary. It consists entirely of two handwritten letters from Sturgis to Dwight, one dated merely "Sunday Evening" and the other "Monday Evening, 12 Jan. '85", the first having Sturgis' New York address at the head. The first letter was as follows:

> I ventured to write Mr. St. Gaudens for, as I had not seen him since my return to America, I was not sure of his accessibility.
>
> I enclose his answer.
>
> Now, if you'll excuse me, I won't try to meet you at Tiffany's—but I should be very glad to be allowed to go with you to see Mr. St. Gaudens. I will ask for you at the Brevoort House about 4 ^{45} tomorrow.

The second letter, although much less informative, indicates that on Monday (presumably in personal conversation) Sturgis had made an appointment to meet Dwight again at 10 o'clock on Tuesday morning, January 13. He found it necessary to change that engagement and asked Dwight to call for him at any time after 11 o'clock: "we'll look at the draw'gs & then go lunch at the club." [90]

One is left with the impression that Dwight had sought Sturgis' help not primarily on the designs themselves for the Great Seal but rather as an intermediary in arranging a meeting between Dwight and Saint-Gaudens,[91] who was certainly one of the most eminent sculptors then working in the United States. As the basic design for the obverse had already been decided upon, it seems probable that Saint-Gaudens was to be asked about techniques, from the point of view of an experienced sculptor, in executing the designs and engraving the dies. It appears from Sturgis' letter quoted above that Dwight had a definite appointment to see Saint-Gaudens late on the afternoon of January 12, 1885, and there is no reason to think that he did not keep that appointment, accompanied by Sturgis. Unfortunately, just what

[90] Both letters are in the Theodore F. Dwight Papers, Mass. Hist. Society.
[91] For a biographical sketch, see *Dict. Amer. Biog.*, XVI, 296–302.

Saint-Gaudens was asked and what advice he gave remain completely unknown.[92]

Edward Everett Hale's Advice

Apparently while he was in New York, Dwight showed the proposed seal designs to one more person—the Reverend Edward Everett Hale,[93] Unitarian minister and author, whose best known work, "The Man Without a Country", had been published in the *Atlantic Monthly* in December 1863. After Dwight's return to Washington, Hale sent to him, at the Department of State, the following letter dated January 14, 1885:

> I have thought very seriously about the seal
> The points in question are after all, very trifling.
> 1. Shall there be feathers or the conventional type of feathers?
> 2. Shall there be Indian arrows—or the conventional arrows.
> Now I am quite clear, 1°. that it is an American seal,—and not a European one,—and that the student in future yrs.—who may be supposed to study it, has a right to an intimation that it is American.
> 2°. and further than this that the words *proper* compel a portrait of the Eagle, as close as the heraldic requisitions permit:—and entitle us to the feathers.
> 3°. that an American arrow *proper*, would have the stone head of the drawing.
> I earnestly hope that the Government will order this very design which we saw—[94]

It would appear from this letter that discussion of a few details was still going on, although the general design of the obverse had been decided upon. Hale's letter also contains the only indication found that one of the Tiffany drawings (which is missing) showed arrows with stone heads—presumably the special characteristic of the Iroquois arrows which had been under discussion for more than a year.

Just when Dwight communicated his final instructions and decisions on these subjects to Whitehouse is not known, but it

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[92] Some correspondence of 1891 between Saint-Gaudens and Dwight is preserved in the Augustus Saint-Gaudens Papers, Ms. Div., L.C. It deals, however, with a completely different subject—the Adams memorial—and does not refer at all to the earlier meeting regarding the Great Seal.

[93] For a biographical sketch, see *Dict. Amer. Biog.*, VIII, 99–100.

[94] Theodore F. Dwight Papers, Mass. Hist. Society.

must have been very shortly after his trip to New York (unless indeed the decisions were made while he was there, unknown to Hale[95]), as the work of engraving the die of the obverse must have been begun in January.

Delivery of the Die and Press

Toward the end of February 1885 it apparently occurred to Dwight that Tiffany & Company's bill for the Great Seal dies and their appurtenances should be approved for payment before the Cleveland administration took office on March 4, even though the dies had not been delivered. He accordingly wrote to the firm on Saturday, February 28, asking that its account be presented immediately, and not later than the following Tuesday morning. His letter included the following paragraph:

> I am greatly disappointed that the expectations I had formed as to the completion of the work have not been realized. The object in view in causing the execution of the Seal at this time not having been attained.[96]

Dwight's letter elicited two replies from Tiffany & Company both dated on Monday, March 2. The first enclosed a voucher; the second was the following communication to Dwight from Whitehouse:

> I am very sorry we have been unable to have the dies for the seal finished and sent on to your [*sic*] before this but the work seemed endless and it was impossible. The impressions sent I feel sure will please you. If you wish certain papers stamped by a certain time could they be brought on and stamped here. I suppose not but I thought I would suggest it to you.
>
> The old matrix I ordered to be sent on.[97]

On March 3 Dwight acknowledged receipt of the voucher; he stated that it had been submitted for approval "and further that it may not be paid until the reverse of the seal has been supplied."[98] To Whitehouse he wrote on the same date:

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[95] Sturgis was under the impression as late as Feb. 11, 1885, that the design was "not yet finally decided on". See his letter to Dwight of that date in the Theodore F. Dwight Papers, Mass. Hist. Society.

[96] Library Letters, XII, 71–73.

[97] Miscellaneous Records, 1881–1909.

[98] Library Letters, XII, 86.

> The impressions of the new die came this morn[in]g. I am pleased with it. I can only take time now to ask if the pales are of the same width. I notice that the engraver has let his chisel (?)[99] slip, carrying one of the pale lines into the chief.
>
> All concerned in the Dept. seem to be satisfied. I am too tired & busy to write more.
>
> The matrix of old die came this morning.
>
> When shall we have the die, press & cabinet?[1]

Whitehouse's reply has not been found. On March 9, however, an officer of the Department—presumably Dwight, although the record copy of the letter shows no signature—wrote to Whitehouse:

> I have to acknowledge the receipt of your letter of the 7th instant and to say, in reply to your inquiry as to whether you should proceed with the reverse of the seal, that you need not do so until you hear further from me.[2]

No further communication on this subject has been found.

Meanwhile, the change of administration in Washington had taken place. On March 4 Grover Cleveland had succeeded Chester A. Arthur as President, and on March 7 Thomas F. Bayard had succeeded Frelinghuysen as Secretary of State. Dwight retained the post of Chief of the Bureau of Rolls and Library.

Having heard that a new die and press were expected at the Department of State, a newsman asked Secretary Bayard in April if it had yet arrived. The Secretary replied that he knew nothing of the matter. When it had been explained to him, he is reported to have made this comment:

> . . . You know there was a gentleman who found his bills much larger than he had expected for provisions for his household, so he called his cook to ask how it happened that his expenses were so heavy as he did not know that he had been living so extravagantly. "Well, I don't know how it is, sir," she answered blandly, "you might ha' known it, for we never has anything good in the kitchen that we doesn't send some of it up into the parlor. . . .[3]

The Department of State received the new seal press, with the die installed and ready for service, on April 21, 1885. The instru-

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[99] The question mark in parentheses occurs in the source text.

[1] Library Letters, XII, 84–85.

[2] *Ibid.*, p. 101.

[3] *Daily Graphic*, May 14, 1885, p. 591.

ment was first used that day on the commission issued to Conrad N. Jordan,[4] of New York, as Treasurer of the United States.

On April 23, 1885, two days after the delivery of the new instrument, the Department of State paid for it. The record of the bill and its payment includes a citation to the above-quoted appropriation act approved July 7, 1884. The two items of the bill are: (1) "Dies of the obverse and reverse of the Seal of the United States, with press and all appliances necessary for making impressions therefrom", with the figure $750; and (2) "Cabinet to enclose and protect press and dies", with the figure 250 and the total, $1,000.[5]

A writer for the New York *Daily Graphic* who visited the Department soon afterward saw the old press and the new one in the same room. He wrote:

> The new machinery forming the seal and the case which contains it are very imposing and form as marked a contrast to the old ones as any one who believes in a big country like ours magnifying itself and making all its paraphernalia as impressive as possible could desire. The old seal, with its simple mechanical appliances affixed to an ordinary walnut stand the size of a small table with a box of walnut inverted over it, looks as if it might be an old sewing machine, while the new case of fine mahogany standing in the same room towers far above it, being about twice its size. It is five feet eight inches high and about half as wide and deep, and is in itself a very elegant piece of furniture. Its machinery is also of the finest description, and while easily used is very complicated in its arrangements and contains a new invention or appliance hitherto supposed almost impossible of construction. It was made by Tiffany in New York, and die, machinery and case all cost $1,000. The die itself is fine steel and the plate below on which the paper is placed when an impression is to be made is bronze. The case has doors which are kept securely locked.
>
> With the old die and press great difficulty was at times experienced in affixing the seal to a bulky document such as a treaty, for instance, in such wise that the eagle would face in the proper direction, wherefore Tiffany after making the new one so that it could be adjusted to look North, South, East or West as occasion may require, felt quite triumphant and said his establishment had never before succeeded in accomplishing a like result with any similar piece of mechanism. . . .

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[4] This appointment of Jordan was reported in the *New York Times*, Apr. 23, 1885, p. 1. For biographical sketches, see *Appleton's Cyclopædia*, III, 473; *Who Was Who in America*, I, 651.

[5] Sundry Accounts, 1882–1889, p. 61, Accounts Records, D.S., R.G. 59, entry 244, N.A.

> The new die complies as strictly as possible with the requirements of the law of June 20, 1782, adopted by the Continental Congress [and reenacted under the Constitution] September 15, 1789, except that the law provided for an obverse and a reverse, and there is no evidence that the latter was ever made, nor has it been made now. . . .[6]

Lander, who wrote about the Great Seal in 1893, adds a few details:

> The [die] . . . of 1885 is cut in the finest steel, and the plate on which the paper is placed to receive the impression is of bronze. The seal die, which is three inches in diameter, with a weight of one pound six ounces, is used in a screw press. By an ingenious mechanism the impression can now be given to show the eagle head up, as in the former press was impossible in the case of bulky documents.[7]

While the *Daily Graphic* article quoted above was being written, the following letter of May 7, 1885, was sent to Whitehouse, presumably by Dwight, although the last page and signature are missing from the record copy:

> I am directed to say that there is no objection to your permitting the Graphic Company to borrow your design for the new die of the Seal which you have recently executed. . . .
>
> I have been too busy to write since the die with its equipment was received. The Secretary appears to be highly pleased. Though I felt disappointed that the work could not have been completed within the time specified, the result of your delay is so gratifying the press & its cabinet being so admirable that I am entirely satisfied.
>
> When the drawing (of the obverse) shall have been returned by the Graphic people, pray send it with that of the reverse to me. I will make a final inspection of the latter & cause it to be put in [8]

—and at this point the page ends. The record copy of the next page is missing, so that there is no clue as to what Dwight intended to do with the final Tiffany designs of the obverse and reverse of the Great Seal. Neither can now be found. Indeed, they seem to have disappeared fairly quickly, for Tiffany & Company did not have them in 1889 [9] and the Department of

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[6] *Daily Graphic*, May 14, 1885, p. 591.

[7] "Great Seal", p. 488. Cf. Totten, *Seal of History*, I, 218.

[8] Library Letters, XII, 380–381. There seems to be an implication in the last sentence that the drawing of the reverse had not been finally approved.

[9] Letter from Tiffany & Company to Second Assistant Secretary of State Alvey A. Adee, Mar. 25, 1889. Miscellaneous Letters, Mar. 1889, part II. A portion of this letter is quoted *supra*, p. 242.

State was unable to find them in 1891.[10] For want of the original drawing, the *Daily Graphic*'s print of the final Tiffany design for the obverse is reproduced as illustration 43.

The only known photograph of the Tiffany press and cabinet was taken for Bernard J. Cigrand in 1903 or very early in 1904, just before its replacement by a new die, press, and cabinet, and Cigrand included a print of that photograph in his history of the seal published shortly thereafter.[11] For a reproduction made from the print in his book, see illustration 46. Two features of the stand and cabinet which immediately distinguish the Tiffany work and which were not mentioned by the writers quoted above are the knee-hole design of the stand and the design of the top of the cabinet, which, when closed, completely covered the mechanism of the press. In this respect it was quite different from the cabinet in use today, which leaves the dumb-bell handle clearly visible even when the cabinet is closed.

Characteristics of the Die of 1885

When this book was begun, it was assumed that the characteristics of the die of 1885 would have to be described on the basis of impressions from that die found on documents in the National Archives, as the die itself had not been seen for decades and was presumed to have been destroyed in or soon after 1904. Such was the state of knowledge on the subject until July 19, 1976. On that date, Richardson Dougall,[12] retired Deputy Director of the Historical Office in the Department of State, who had been asked to assist in the late stages of preparing this volume, set out to find and have photographed, if possible, the second counter-die which had been prepared for use with the Great Seal die of 1904 (see Chapter XIII). Knowing that a counter-die was installed in the current seal press, he thought that the extra matrix might well be in the Department's Presidential Commissions office. He therefore asked the chief of that office, Mrs.

[10] Letter from Frederic Bancroft, Librarian, Dept. of State, to Tiffany & Company, July 17, 1891. Library Letters, XIX, 415.

[11] It appears in *Story of the Great Seal* among the plates on unnumbered pages following p. 286.

[12] For biographical sketches, see *Direc. Amer. Scholars*, 5th ed., I, 132; *Who's Who in Government*, 2d ed., p. 166.

Bernice C. Renn, if she knew its whereabouts. Mrs. Renn replied in the affirmative, went to the safe in her office, took out and unwrapped a package, and handed him—the Tiffany die of 1885.

Dougall was sure of his tentative identification of this unexpected object as the Tiffany die, but he returned to Mrs. Renn's office the next morning with a magnifying glass and photographs of impressions made from the dies of 1885 and 1904. He then confirmed that every idiosyncrasy of impressions from the Tiffany die matched the die which Mrs. Renn had produced. There was no doubt whatever that it was in fact the long-missing Tiffany die, which had been in the office responsible for the Great Seal since before 1942, handed down and stored as a "spare matrix".

On the basis of his examination of the die on July 20, Dougall wrote the following physical description:

> The die bears no mark whatever to indicate the identity of its manufacturer or engraver. It consists of a circular piece of steel with a square base. The circle and the square appear to be a single piece of steel, but I assume that they are actually two pieces joined. The square base measures 3⅜ × 3⅜ inches, with a thickness of ¼ inch, while the upper surface of the circle (on which the Great Seal device is engraved in intaglio) has a diameter of 3⅝ inches. The edges of the circular piece of steel slope outward slightly, as if the circle were a section of a cone, so that the diameter where the circle meets the square base is almost 3⅜ inches. The circle of steel is 3/16 of an inch thick. On the engraved top surface of the circle, the diameter of the engraved rim of the seal device, from outer rim to outer rim, measures exactly 3 inches. The bottom side of the base is smooth and perfectly flat.
>
> At the corners of the square base are four holes (one in each corner) for screws or bolts to secure the die to the press; these holes are not threaded. On the upper side of the base, i.e., the side on which the circle rests, the diameter of these holes is 9/32 of an inch, while on the bottom side the diameter is 5/32 of an inch.
>
> At my suggestion Mrs. Renn had the die weighed at the Postal Service substation in the Department of State Building. Its weight is 1 pound 2 ounces.[13]

For photographs of the die and of an impression from the die, see illustrations 44 and 45, respectively.

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[13] Memorandum by the coauthor, July 20, 1976, in the files of the Office of the Historian, D.S.

The die of 1885 was distinctly—even radically—different from any of the earlier Great Seal dies, both in size and design, and, because it was the prototype of the die in use today, it is appropriate to note here in some detail the various features of the design executed by Tiffany & Company.

The device is formal and heraldic rather than realistic. It is symmetrical, and its proportions are pleasing to the eye. With its 3-inch diameter, the Tiffany die was considerably smaller than the Masi treaty-seal die (which was intended for impression on wax pendant seals) but noticeably larger than the first die of 1782 or the dies of 1841 and 1877.

The die was intended to adhere strictly to the specifications of the blazon adopted by the Continental Congress in 1782, and it very nearly does so. It did not include, however, the horizontal lines in the background of the stars in the crest that should have been there to represent the color blue (*azure*), nor did it include dots in the rays of the glory in the crest to represent the color gold (*or*). It was in fact this easily marked departure from the blazon that was the basis of Dougall's initial identification of the die.

The consideration given to the shape of the arrows has been noted above, and the Tiffany die clearly portrays thirteen arrows in the eagle's sinister talon, thereby correcting the error in the number of arrows which Throop had introduced in the die of 1841 and which had been perpetuated in the Baumgarten die of 1877. Whereas Throop and Baumgarten had detailed only four feathered ends for their six arrows, the Tiffany die had many more—presumably thirteen, although they are so close together that they are difficult to count. The symmetrical arrangement of the arrows and olive branch roughly followed the precedent set by Throop and Baumgarten and was far more symmetrical than the arrangement in the original die of 1782.

Following the precedent set by Masi in the treaty-seal die of 1825 or that of Throop and Baumgarten, the Tiffany die continued the depiction of fruit on the olive branch, but it introduced an element of symbolism that was not contained in the 1782 blazon or any of the earlier dies by depicting an olive branch which clearly had thirteen leaves and thirteen olives.

Apparently with no consideration of the reasons which lay

behind the six-pointed stars in the die of 1782 (although that die had been examined by a number of people in the consultations that preceded the cutting of the Tiffany die), the new die followed the Throop–Baumgarten model in using five-pointed stars in the crest. The stars, however, were much larger than Throop's and more widely spaced than Baumgarten's.

The shape and placement of the crest was a distinct innovation. For the first time the cloud was in the form of a complete circle, clearly separated from the upper rim of the seal. The entire crest thus gives a very different impression from that in earlier dies, particularly those of Masi, Throop, and Baumgarten, where the crest was flattened so that its width was much greater than its height. The new die, however, did not separate the stars from the surrounding glory by a clear circular margin, as in the die of 1782. The number of cloud puffs surrounding the glory—more than in the dies of 1782, 1841, or 1877—has no known significance.

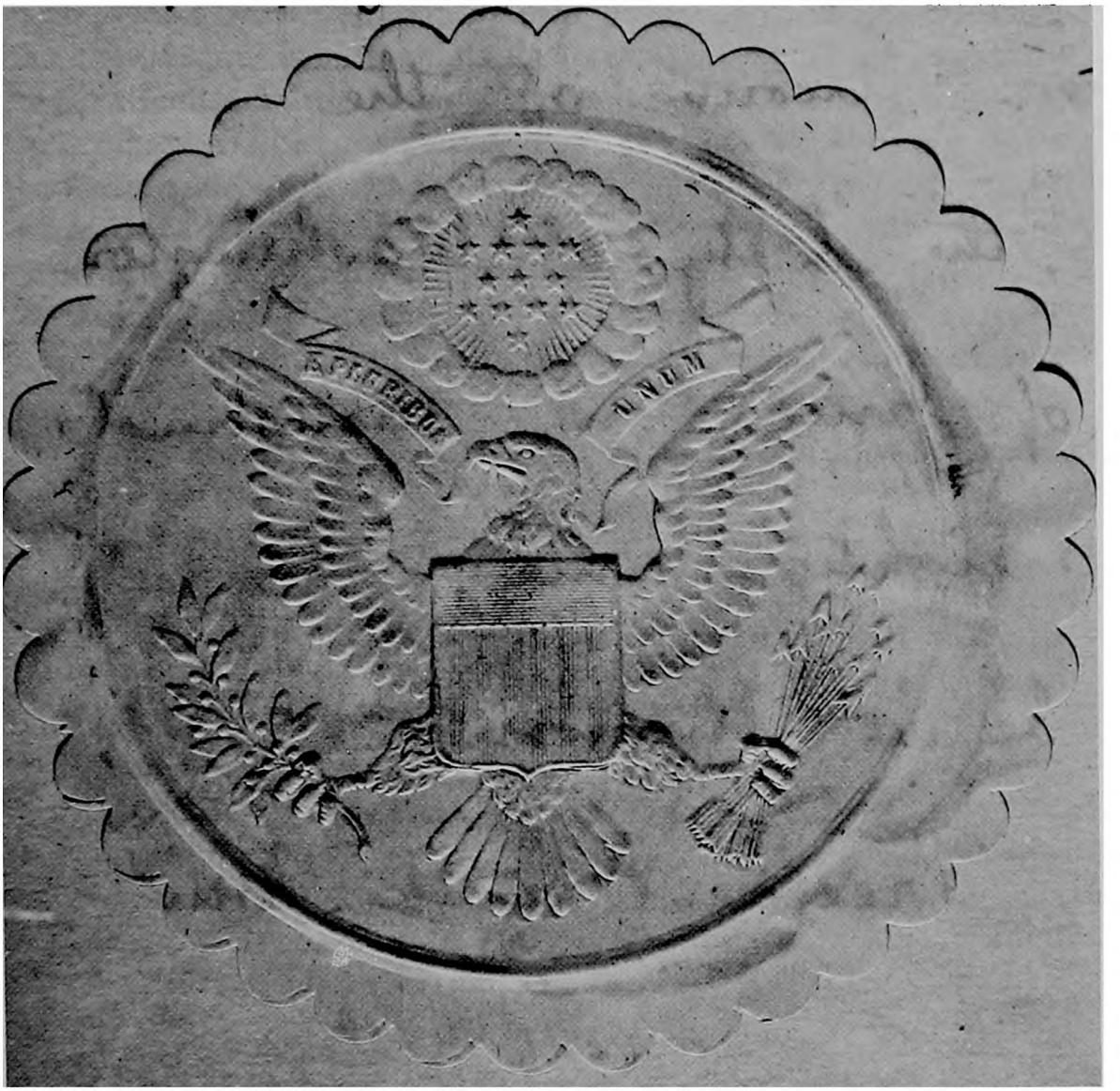
As in those three dies (and in contrast to the Masi die of 1825) the scroll on which the motto *E Pluribus Unum* is inscribed is in two parts, with a central segment held in the eagle's beak, and with the words *E Pluribus* appearing on the part of the scroll to the eagle's right and the single word *Unum* on the part at the back of the eagle's head. The style of lettering used for the motto was changed from the plain roman letters used by Throop and Baumgarten (and recommended by Tiffany & Company in the 1884 letter quoted above) to a style much more similar to that used in the die of 1782, although the individual letters were distinctly narrower.

As to the shield, the Tiffany die reverted to the straight horizontal line at the top, in lieu of the two curved segments used by Masi, Throop, and Baumgarten. The vertical dimension of the chief or upper part of the shield was also changed, so that the chief occupied a much larger part of the shield than in any of the previous dies.

Perhaps it is in the eagle that the Tiffany die is most distinctive. Unlike the dies of 1782, 1841, and 1877, when only the neck of the eagle appeared above the shield, the die of 1885 showed a portion of the body as well, expertly engraved so that even in an impression the viewer is aware of the break between the white feathers on the head and neck and the darker feathers of the body.



44. The Tiffany Die of 1885



45. Impression From the Die of 1885

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For the first time, the eagle was clearly the American bald eagle (although the crest on the eagle's head which had appeared in the 1782 die had been eliminated in all subsequent seal dies). Also, the positioning of legs and talons was a dramatic departure from precedent. The dies of 1782, 1841, and 1877 had all shown scrawny-kneed eagles with L-shaped legs stretching to the talons. The thighs of the Tiffany eagle were muscular and led immediately on a horizontal line to the talons. All earlier seal dies had shown the eagle's talons clutching the olive branch and arrows from in front; the Tiffany die, on the other hand, showed larger talons grasping the branch and arrows from behind. The tail feathers on the Tiffany die were spread apart, unlike those on earlier dies, but the records do not indicate that there was any symbolism intended in the decision to use nine tail feathers.

All these changes can best be studied by comparing photographs of the various dies or impressions from them.[14]

Was a Die of the Reverse Cut in 1885?

The question has persisted: Was or was not a die of the reverse of the Great Seal cut in 1885?

On the affirmative side, there are three major points: (1) The clause of the act of 1884 appropriating funds for the Great Seal specified "dies of the obverse and reverse"; (2) Frelinghuysen's order of January 9, 1885, specified "a die of the obverse and a die of the reverse"; and (3) the Department's records show that Tiffany & Company billed for "Dies of the obverse and reverse" and that on April 23, 1885, the Department paid the bill.

If, however, the reverse was in fact cut in 1885 and delivered to the Department, the die and any knowledge of it must have been immediately and totally suppressed, which seems unlikely and indeed impossible.

The evidence is persuasive that the reverse went uncut. In the first place, of the scholars who gave Dwight their views,

[14] The various dies, and impressions from them, are illustrated in this volume as follows: Die of 1782, illustrations 20 and 21; die of 1841, illustrations 33 and 34; die of 1877, illustration 38; die of 1885, illustrations 44 and 45. See the frontispiece for smaller photographs of impressions of the dies of 1782, 1841, 1877, and 1885.

three expressed dislike for the reverse. Winsor went so far as to recommend keeping it "in the dark", and Whitmore advised using it "as little as possible". Taking account of these expressions, Dwight included in his letter to Whitmore of January 6, 1885, the statement, "For the present purposes we shall not order the reverse". To be sure, the reverse was in fact ordered three days later, but inconsistencies in the Department's correspondence on this subject seem to be the norm rather than the exception. It has been noted above that Dwight informed Tiffany & Company on March 3, 1885, that its bill could not be paid until the reverse had been supplied, but that he wrote to Whitehouse six days later telling him that he need not proceed with the reverse pending further notification. No record of further notification has been found, and, even if Dwight had switched the signals once more, a die of the reverse could hardly have been engraved before the Tiffany bill was paid on April 23.

Moreover, the writer for the *Daily Graphic*, who visited the Department, interviewed its officers, and saw the new die and press within three weeks after its delivery there, is specific on the point: "the law provided for an obverse and a reverse, and there is no evidence that the latter was ever made, nor has it been made now."[15] Likewise, Gaillard Hunt,[16] who entered the Department in April 1887, two years later, and who in his subsequent career there certainly should have learned the truth, states definitely that the Department decided "to leave this part of the law unexecuted".[17] No evidence to the contrary has turned up since. One must conclude, despite the wording of the statute and of Tiffany's bill, that the reverse was not cut. The wording of Tiffany's bill to match that of the statute was presumably an accounting device or technicality.

Custodians of the Great Seal, 1885–1904

During their entire period of service, the Tiffany die and press of 1885 were located in the State, War, and Navy Building, west of the White House. While they may have been moved from one

[15] *Daily Graphic*, May 14, 1885, p. 591.
[16] See *infra*, p. 286.
[17] Hunt, *History of the Seal*, p. 61. See also Hunt, *Dept. of State*, p. 252.

room to another or one floor to another, they were at all times in the south wing of the building, which the Department of State then occupied.

George Bartle, mentioned in previous chapters as having had charge of the Great Seal from the 1850's, carried on in charge of the die and press of 1885. Chief of the Bureau of Pardons and Commissions in 1871, Bartle retained that post, although his title varied from time to time, until 1895.

A former officer of the Department of State who knew Bartle during this period has placed on record an eye-witness glimpse of him. John Bassett Moore,[18] lawyer and international jurist, who entered the Department as a law clerk in July 1885, mentions Bartle in three drafts of autobiographical material among his papers in the Library of Congress. An excerpt from one of these drafts, entitled "Entrance into the Department of State", follows:

> The difficulty of obtaining personal details concerning William Hunter [19] from subordinates in the Department who perhaps stood in somewhat respectful awe of him was impressibly exemplified in the case of an aged clerk, George Bartle who was still serving in the Department when I entered and who held for many years and until the time of his death the office of Chief of the Bureau of Pardons and Commissions. In this capacity he had charge of the great seal of the United States which he kept under lock and key, wearing the key on a piece of silk which he wore about his neck and which was concealed by his outer clothing. I was told that he wore this key even while he was in bed at night. Certainly anyone would have had to kill him to get it away from him. He was the personification of faithfulness and boasted that he had never made a mistake in the recording of a pardon or a commission. His method of copying was to put his finger under the word and keep it there during the copying and then to move it to the next work [*sic*] etc., throughout the document. When I approached him on the subject of his old associate William Hunter the day was warm and he seemed to be rather feeble. I told him that I had come to find out something

[18] For biographical sketches of Moore, who later served as Third Assistant Secretary of State, 1886–1891, as Assistant Secretary in 1898, and as Counselor, 1913–1914, see *Natl. Cyclo. Amer. Biog.*, XI, 95; *ibid.*, A, 72–73; *Who Was Who in America*, II, 380. The author is indebted to Prof. Robert J. Maddox of the University of Pennsylvania for calling attention to the material on Bartle in the Moore Papers.

[19] Hunter was at that time Second Assistant Secretary of State. For biographical sketches, see *Appleton's Cyclopædia*, III, 323–324; *Natl. Cyclo. Amer. Biog.*, V, 560.

about William Hunter, that I was not in a hurry and that I should be glad if he would reflect awhile and then tell me what he could recall. For some time he sat in silence apparently thinking deeply and he then made this answer,

"Mr. Moore, Mr. Hunter was a man of very few words."

This was all I could get from him.

Bartle was somewhat more loquacious on the subject of Daniel Webster and took a particular interest in exculpating his old chief from the charge of having been negligent in money matters. As conclusive proof he was wont to narrate an incident on which on a Saturday afternoon Mr. Webster, being short of cash, asked him if he had any money about him. Bartle explored his pockets and found a $5 note which he handed over to Mr. Webster who told him that he would reimburse him on Monday. He kept this promise to the letter thus vindicating himself in Bartle's opinion from the charge of having been negligent in such matters. Among the things which Bartle specially cherished was an old Barlow knife that Mr. Webster had given him.[20]

Moore further mentions in another draft that Bartle "wore the key to the Greal Seal on a piece of blue ribbon about his neck, day and night"; that he "once was a member of a small musical club formed by William Hunter, who played the flute"; and that he was "the most silent man I ever knew".[21]

On November 4, 1895, when he was eighty or eighty-one, Bartle, who had been a clerk of class 4 at $1,800 a year, was reassigned as a clerk of class 1 at $1,200.[22]

On the same day Robert Brent Mosher was promoted from class 1 to class 3; and the next Department of State *Register*, published as of January 1, 1896, listed him as "Appointment Clerk", with Bartle and one other clerk under him. Bartle nevertheless continued to operate the Great Seal press. The duties of Mosher's office were stated thus:

> Custody of the Great Seal, applications for office, and extradition papers, and the preparation of commissions, exequaturs, and warrants of extradition.[23]

Mosher, born at Washington December 6, 1856, had been employed as a clerk in the War Department in 1888 and had come

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[20] Pages 14–16. Autobiography, envelope I, folder *B*, box 206, John Bassett Moore Papers, Ms. Div., L.C.

[21] Paper entitled "Department of State, 1885", dated Apr. 27, 1943, p. 4, *ibid.*

[22] *Register D.S.*, 1896, p. 12.

[23] *Ibid.*, p. 15.

into the Department of State in a similar capacity on July 19, 1890. He had been promoted to class 1 January 19, 1891, and to class 3, as noted above, in 1895. According to his official biographical sketch, he was promoted to class 4 January 6, 1896, and was "designated to act as Appointment Clerk January 23, 1897". On July 7, 1898, the office was elevated to "Bureau of Appointments", and Mosher was named Chief.[24] The duties of the Bureau included custody of the Great Seal, and Bartle continued to operate the press.

But the aged Bartle was approaching the end of his long service. He grew ill. Gaillard Hunt, who had been Bartle's assistant for two or three years from 1891 to 1894,[25] called on him at his home, 1320 10th Street Northwest, on October 28, 1899, and reported that he was dying.[26] Death came the next day, Sunday, October 29, at 2:30 p.m., "in the eighty-sixth year of his age".[27]

As Chief of the Bureau of Appointments, Mosher had the Great Seal die and press of 1885 under his charge until they were replaced in January 1904. His staff of two increased briefly to three when Stephen H. Quigley joined it on his entry into the Department, October 23, 1902.[28]

Barriers to Information on the Seal Are Dropped

Until the last decade of the nineteenth century the Department of State with some consistency responded to inquiries about the Great Seal and its history by declining to furnish information. There were reasons for this policy. They included (1) ignorance

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[24] *Register D.S.*, 1899, p. 16; 1928, p. 222, biographical sketch of Mosher. Another sketch is in *Who Was Who in America*, I, 874.

[25] *Register D.S.*, 1892, p. 8; 1893, p. 8; 1894, p. 14.

[26] Letter from Hunt to a Mr. Babcock, Oct. 28, 1899, Correspondence 1899, folder *H*, John Hay Papers, Ms. Div., L.C. The author is indebted to Drs. Harold D. Langley and William Gerber for calling attention to this paper.

[27] *Washington Post*, Oct. 30, 1899, p. 3. *Evening Star*, Oct. 30, 1899, p. 5.

[28] *Register D.S.*, 1900, p. 16; 1901, p. 17; 1902, p. 17; 1903, p. 18; 1904, p. 18. Quigley (1877–1962), who will be mentioned again in Chapter XIII, retired from the Dept. of State in 1948. His last official biographical sketch is printed *ibid.*, 1945, p. 236. After his retirement he became president of the District National Securities Corporation. He died at his home in Chevy Chase, Md., June 29, 1962. *Sunday Star*, July 1, 1962, p. B7.

of the subject on the part of the officers and clerks; (2) lack of time, because of small staff and pressure of other work, to do the necessary research; and (3) failure to appreciate a growing public interest in the seal. At that period, too, the Department was unreceptive to suggestions from the public on any subject.

As a consequence of the publicity that the Great Seal received in the 1880's, a young Chicagoan of patriotic and idealistic sentiments and literary and scholarly tastes found himself attracted to the subject. Like Totten and some others, he seems to have been drawn as to a magnet by the symbol and the story surrounding it. This young man was Bernard John Cigrand (1866–1932), who was then in the process of acquiring the degrees of Bachelor of Science, Master of Science, and Doctor of Dental Science.

In 1888 Cigrand wrote the first of a series of letters to the Department of State "asking for information relative to the history of the nation's Great Seal". The replies he received were discouraging. After an exchange of several letters he was referred to the Treasury Department and from there to the United States Mint. Neither, however, could provide the information he was seeking. Late in 1890 he wrote again to the Department of State, requesting information on the history of the Great Seal and asking some specific questions.[29]

The reply, dated December 30, 1890, and signed by Chief Clerk Sevellon A. Brown,[30] was as follows:

> In reply to your letter of the 14th instant requesting to be informed how often and when has the device on the great seal been changed, and in 1820 when J. Q. Adams was Secretary of State did he use a new seal of his own device [31] and why did he object to the old, I have to say, that the matter in question is not of official record.[32]

In a subsequent letter Cigrand apparently asked for an impression of the Great Seal die. Although his request is not available, Brown's reply of January 10, 1891, would be responsive only to such a request. Brown cited section 1794 of the Revised

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[29] Cigrand, *Story of the Great Seal*, p. 489.
[30] See Chapter X, p. 222*n*.
[31] On this question, see Chapter XX, p. 532.
[32] Cigrand, *Story of the Great Seal*, p. 490. Library Letters, XIX, 91.

Statutes as the reason why the request could not be granted,[33] and that section, based upon section 4 of the act of September 15, 1789,[34] was the statutory basis governing and restricting the affixing of the Great Seal to commissions and other instruments. It is still the position of the Department of State that the Great Seal can be affixed only as provided by law and in accordance with the President's warrant (or under an Executive order waiving the requirement for such a warrant), and that impressions of the seal cannot be made for display purposes or in response to requests for souvenirs or samples. This position has been applied not only to impressions from the die currently in use but also to impressions from earlier dies still in existence,[35] as any die, in theory, could be used today to make a valid impression of the Great Seal.

Cigrand's next two letters to the Department of State received equally brusque dismissal. Replying to the first on January 19, 1891, Acting Secretary William F. Wharton[36] wrote that "in view of the pressure of public business it is not deemed practicable to make the necessary research to answer your questions". Replying to the second, Wharton stated that "this Department does not feel prepared to give information of a character so purely historical as an answer to your inquiries would involve".[37]

Meanwhile, Cigrand's efforts to learn through various Congressmen and Senators why he could not get the information he wanted came to nothing. Finally, "as a last resort", he "sent a lengthy letter" to James G. Blaine, who was then Secretary of State. He later described the contents of his letter as follows:

> . . . I briefly called attention to my purpose; relating my failures in this direction; stating that it did seem reasonable, that in a republic

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[33] Cigrand, *Story of the Great Seal*, p. 491. Cf. the following passage in a letter from Second Assistant Secretary of State Alvey A. Adee to Tiffany & Company, dated Mar. 23, 1889: "It seems proper, therefore, to remind you that by the statutes on the subject, no impression of the Great Seal can lawfully exist unless when duly affixed to an official instrument in virtue of an express written authorization of the President." Domestic Letters, CLXXII, 286–287.

[34] 1 Stat. 68, quoted in Chapter VII, p. 153.

[35] Memorandum from Richard S. Patterson to Richardson Dougall, Dec. 16, 1957, in the files of the Office of the Historian, D.S.

[36] For a biographical sketch, see *Who Was Who in America*, I, 1327.

[37] Cigrand, *Story of the Great Seal*, p. 491.

> such as ours, the people might have access to the documents and data pertaining to the growth and progress of our national existence, provided such information did not invoke or involve a breach of treaty, statute or proclamation. Besides, the information thus rendered would in all probabilities assist the people in more thoroughly understanding the intent of our national founders, and certainly inspire greater loyalty for the Republic.[38]

On October 5, 1891, Blaine wrote to Cigrand: All "proper facilities for research in the field you are interested in will be afforded you."[39]

Thus it appears that Blaine deserves the credit for opening the records of the Federal Government to private researchers seeking information on the history of the Great Seal. Almost immediately the Secretary took another step along the same path.

Although existing records do not show an intentional connection, there is at least a relationship in time between Cigrand's persistent and finally successful efforts on the one hand and the preparation and issuance of the Department's first publication on the history of the Great Seal on the other. It may be that Cigrand's importunity persuaded Blaine to have a paper on the subject written and printed for public distribution. As a practical politician, Blaine was undoubtedly more sensitive and responsive to demands from the public than were the more or less isolated members of the Department's permanent staff. At any rate, it must have been shortly after Blaine wrote the foregoing note to Cigrand that he directed the Chief Clerk to have Gaillard Hunt prepare a pamphlet on the history of the Great Seal. Seven and a half months after Blaine signed his letter to Cigrand, Hunt signed a communication dated May 23, 1892, transmitting to the Secretary a printed "sketch" on the history of the Great Seal.

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[38] Cigrand, *Story of the Great Seal*, p. 492.

[39] *Ibid.*, p. 493. Cigrand worked on his book from 1888 until 1904, a period of nearly sixteen years. It appears that much of the text was in type by Sept. 1899, when he sent a "proof copy" of the first twenty-three chapters to President McKinley (see Chapter XX, p. 552). Although the copyright dates are 1892 and 1903, the book contains some material that the author could not have obtained until 1904, e.g., a letter dated in June of that year, on an unnumbered page following p. 286. The book indicates here and there that the author may have had in his possession a few items of research material on the Great Seal, including photographs, not available elsewhere. Correspondence with his daughter Elaine (Mrs. Thomas Bennett) disclosed that all Cigrand's research materials were lost or destroyed in the course of moving after his death. Letter to the author, Sept. 30, 1974, from Mrs. Bennett, of Escondido, Calif.

Gaillard Hunt, Walter Manton, and the Department's First History of the Seal

Gaillard Hunt, Government official and historian, was born in New Orleans September 8, 1862, son of William Henry Hunt[40] and his second wife, Elizabeth A. Ridgely. His father, a lawyer and Unionist, served as Associate Judge of the United States Court of Claims, as Secretary of the Navy, and as Minister to Russia in 1882–1884. His mother was of aristocratic family and ancestry. Gaillard Hunt was educated at the Hopkins Grammar School, New Haven, Connecticut, and the Emerson Institute, Washington. In 1882 he entered government service as a clerk in the Pension Office. He was appointed a temporary clerk o class 1 in the Department of State April 25, 1887, and a permanent clerk at the same grade November 17, 1887; he was promoted to class 2 June 12, 1892. Between 1891 and 1894 Hunt served as assistant to George Bartle, who had charge of the Great Seal. It was during this period that Hunt prepared his 1892 paper on the Great Seal, entitled *The Seal of the United States: How It Was Developed and Adopted.*

Hunt went on in the Department to become Acting Chief of the Passport Bureau in 1902 and Chief in 1903, then Chief of the Bureau of Citizenship in 1907. He resigned effective January 1, 1909, to become Chief of the Division of Manuscripts of the Library of Congress. There he edited volumes 16–25 of the *Journals of the Continental Congress* (1910–1922). He was also the author or editor of various other works. On July 18, 1917, he was reappointed in the Department of State where, in 1921, he became Chief of the Division of Publications and Editor of the Department. He served in this capacity until his death on March 20, 1924.[41]

Accordingly, the man who was designated in 1891 to write the history of the Great Seal for the Department of State was a comparative newcomer to the Department, twenty-nine years old, and a clerk of the lowest rank, without training or experience

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[40] For a biographical sketch of William Henry Hunt, see *Dict. Amer. Biog.*, IX, 396–397.

[41] Personnel card for Hunt, D.S., R.G. 59, N.A. *Register D.S.*, 1924, p. 144. *Dict. Amer. Biog.*, IX, 385.

in historical research or writing. Furthermore, he had to do the job under some pressure; he said of it later that it "was prepared in a given time" and admitted it was "meager".[42] His pamphlet, of thirty-two printed pages, including a glossary, reflected a superficial knowledge of the subject. Hunt had found a few of the basic records among the papers of the Continental Congress, then in the Department's Bureau of Rolls and Library, but of previous writings on the Great Seal, he knew only Lossing's article. The best feature of his publication was its illustrations, prepared by another employee of the Department, Walter Manton.

Manton is an interesting and elusive personality who, for an unusual talent, deserves to be rescued from obscurity. He was born in Providence, Rhode Island, probably about 1832. Of his early life nothing is known except that he had a wife, Mary W., seemingly also from Providence. Manton served as a clerk in the Treasury Department in 1881–1882. A letter of June 24, 1882, from Senator Henry B. Anthony,[43] of Rhode Island, to Secretary of State Frelinghuysen, recommending Manton for a clerkship in the Department of State, described him as "an accomplished merchant and book keeper, a good French scholar, and a man of intelligence, ability, and of excellent character". Frelinghuysen appointed him a clerk of class 1 on November 1, 1882, and he was assigned to the Bureau of Statistics. On February 1, 1884, he was promoted to class 2 and assigned to the Bureau of Rolls and Library, where he remained for the duration of his service in the Department. He was promoted to class 3 on July 20, 1889.

In addition to the qualities already mentioned, Manton was an artist—though seemingly unrecognized in this field. He had the ability to draw and paint with the utmost precision of minute detail. Manton is represented in the Department's collection of oil portraits of the Secretaries of State by his painting [44] of Jeremiah S. Black, a copy, which reproduces the finest details with photographic accuracy. On November 18, 1891, the Department paid Manton $100 for this portrait. About the same time Manton drew the illustrations for Hunt's brochure—minutely accurate copies of proposed designs for the Great Seal and pictures of impressions

[42] Hunt, *History of the Seal*, p. 5.
[43] For a biographical sketch, see *Dict. Amer. Biog.*, I, 316–317.
[44] Reproduced in Patterson, *Secretaries of State*, p. 51.

from Great Seal dies. These excellent illustrations were reprinted in the revision of Hunt's work issued in 1909.

Manton died at his residence, 1830 S Street Northwest, at 8 p.m. on Tuesday, October 22, 1895, and was buried in Providence. His widow died at Providence November 10, 1895, aged sixty-two, evidently leaving no children.[45]

Suppression and Revision of Hunt's Brochure

For a number of years after the publication of Hunt's brochure, its accuracy or inaccuracy was the subject of acrimonious debate and exchange of memoranda within the Department of State. It seems that the first error to be discovered was found by someone outside the Department, who called it to the attention of Andrew H. Allen,[46] Chief of the Department's Bureau of Rolls and Library, who reported the matter[47] to Second Assistant Secretary Alvey A. Adee.[48] Adee had an examination made and thereupon, on April 24, 1893, recommended suppression of the pamphlet. At that time only four or five hundred copies out of the edition of one thousand had been distributed. There is still among the records of the Department a copy of the brochure with corrections marked throughout and a pen-written note on the front cover dated Bureau of Rolls and Library, June 1894, and initialed by Allen.[49] Secretary of State Walter Q. Gresham accepted Adee's recommendation and ordered the publication suppressed. Hunt protested, and the suppression was later revoked. At some point a page of errata was issued, but it failed to note all the errors in the publication. The matter was still

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[45] Applications and Recommendations, 1877–1885, file "Manton, Walter", D.S., R.G. 59, entry 331, N.A. *Register D.S.*, 1883, p. 8; 1884, p. 8; 1892, p. 4. Personnel card for Manton, D.S., R.G. 59, N.A. Patterson, *Secretaries of State*, p. 50. Hunt, *Seal* (1892), p. 3. *Evening Star*, Oct. 23, 1895, p. 7. *Washington Post*, Oct. 25, 1895, p. 2. Letter to the author, Nov. 22, 1975, from Mrs. Donna R. Hotaling, of Vienna, Va.

[46] Allen was Chief of the Bureau of Rolls and Library from 1892 to 1905. For a biographical sketch, see *Who Was Who in America*, I, 16.

[47] See Reports of Bureau Officers, VIII, 649–655, D.S., R.G. 59, entry 311, N.A.

[48] For biographical sketches, see *Dict. Amer. Biog.*, I, 105–107; *Who Was Who in America*, I, 9.

[49] Miscellaneous Records, 1881–1909.

unsettled in 1898, when a letter to the Department requesting "a correct history of the Seal of the United States" led Allen on June 1 to write a memorandum to Assistant Secretary of State John Bassett Moore as follows:

> The Dept compilation &c on the Seal of the United States contains several errors which are mentioned in an *errata slip;* but there is one fatal error in it, which is not referred to in the *errata slip*, and is denied by the compiler. Proof of this error is to be found in the original papers in this Bureau—among the Archives from which the account of the Seal purports to be drawn. The edition was once suppressed by Mr. Gresham; but was again permitted to go out—whether with the Secretary's knowledge or not I do not know—through some arrangement between the compiler and the Chief Clerk (at the time Mr. Renick[50]) without any further verification. The pamphlet itself, and (I believe) the manner in which the suppression was lifted will not bear attentive examination.
>
> The accompanying letter asks for "a *correct* history of the Seal of the United States". This Department has no *correct* history, in print, to send. We *know* (it is not a matter of opinion, but of obvious fact) that the pamphlet we send out is *not correct*. An official examination was directed and made several years ago establishing the spurious character of the work. It is so grave an imposition upon the public, in my opinion, that I would gladly be relieved of the custody of the few remaining copies of the pamphlet, unless their destruction be directed.[51]

On receiving this memorandum, Moore asked the question, "Can you tell me what are the particular errors referred to?" Allen replied on June 5:

> I trust that this matter of the history of the Seal may be determined at this time. A half hour, or less, will suffice for the examination. During the last four or five years this examination has been defeated by a species of personal abuse and slander, within and without the Department, so far as I can learn, based upon the suspicion that a personal motive was involved in the suppression of the spurious pamphlet. There was no such motive on anybody's part. The first error was found by an outsider—an historical investigator. I reported it as a matter of routine. Mr. Adee directed an examination, and upon its result he recommended the suppression of the publication. Mr. Gresham suppressed it—*not* the Chief Clerk. I *know* this. (See also Mr. Rockhill's[52] note to me.) Mr. Renick

[50] Edward I. Renick, of Ga., was appointed Chief Clerk of the Dept. of State Apr. 17, 1894, and served until May 19, 1897. *Register D.S.*, 1930, p. 270.

[51] Miscellaneous Records, 1881–1909.

[52] William W. Rockhill, of Md., was Third Assistant Secretary of State when this memorandum was written, but he had been Renick's immediate predecessor as Chief Clerk, having served in that capacity from Apr. 14, 1893, to Apr. 14, 1894. For a biographical sketch, see *Dict. Amer. Biog.*, XVI, 66–67.

> revoked the order of suppression. Mr. Rockhill told me that *he* did not know how or by whom the order was revoked. The papers herewith [53] show the course of events. We have never been asked until now for a "correct history of the Seal". I have the Reports of Committees of the Continental Congress (the original mss.) ready for you when you desire to compare them. They alone are conclusive.[54]

So far as the records show, Moore did nothing in response to Allen's memoranda. Later, while serving as Chief of the Division of Manuscripts of the Library of Congress, Hunt brought out a revised, enlarged, and updated edition of his work, which he prefaced with a letter of transmittal dated April 30, 1909, and addressed to Secretary of State Philander C. Knox.[55]

Final Disposition of the Press of 1885

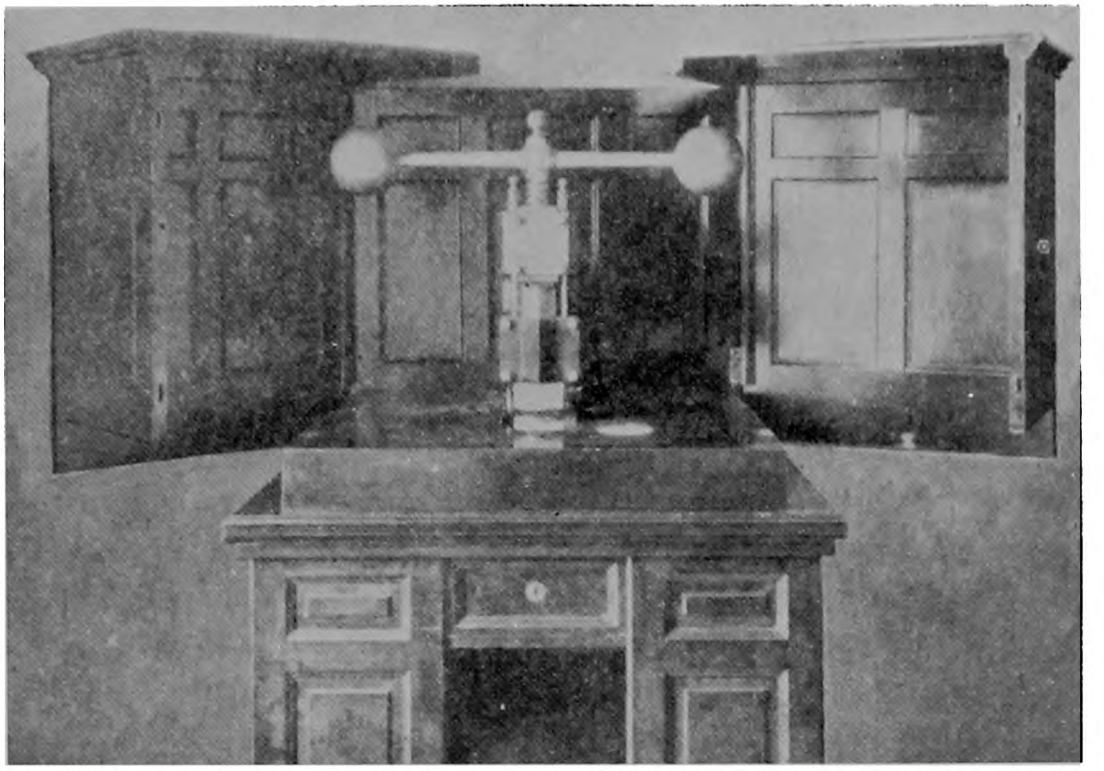
Meanwhile, in January 1904, the Tiffany die and press of 1885 were superseded by a new instrument. The die was removed from the press and was handed down from one seal custodian to the next, its origin eventually forgotten until it was reidentified in 1976. What disposition was made of the old press and cabinet has not been ascertained. No written record of the action taken has been found. By 1930, however, they were long gone from the Department. One guesses that they were dismantled and discarded soon after they were replaced.

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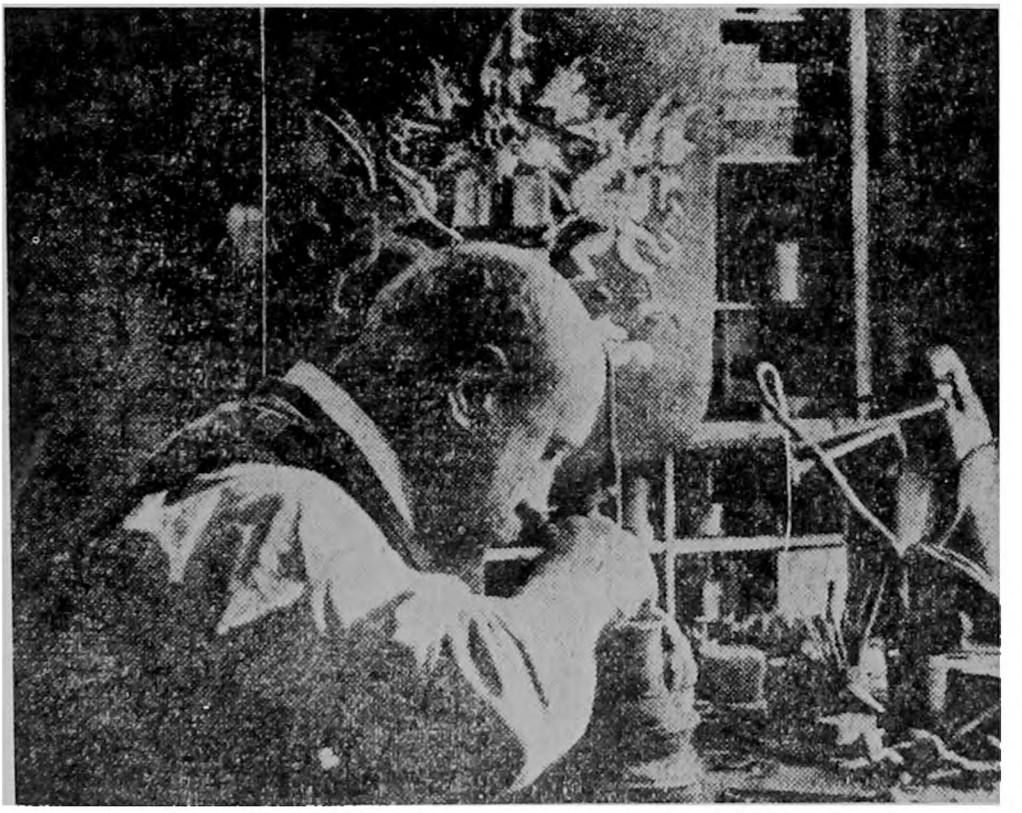
[53] These papers are not now with the memorandum.

[54] Miscellaneous Records, 1881–1909. Original memoranda in "State Department General, 1896–1942", box 164, John Bassett Moore Papers, Ms. Div., L.C.

[55] This publication also had its travails, documented in Miscellaneous Records, 1881–1909. With regard to the 1909 edition, see *infra*, p. 570.



46. The Tiffany Press and Cabinet, 1885



47. Zeitler Engraving the Die of 1904

Chapter XIII

THE ZEITLER DIE OF 1904

After only seventeen years of use, the Great Seal die of 1885 was described as "worn out". Certainly the impressions it was then producing were far less sharp and clear than they should have been. The die itself, however, shows no particular signs of wear, so the problem was perhaps one of adjustment or of a worn counter-die. Whatever the reason, the Department of State became dissatisfied with the instrument and early in 1902 took the first steps toward obtaining a new die. It apparently had preliminary discussions on the matter with James D. McBride, of Washington, who had various blueprints of the proposed work drawn up in April of that year.

Appropriations for a New Die and Press

In due course the matter reached the desk of Secretary of State John Hay. On April 28, 1902, Hay signed the following letter addressed to Joseph G. Cannon,[1] Chairman of the Appropriations Committee of the House of Representatives:

> I have the honor to request that the Committee on Appropriations take into consideration the propriety of including in the general deficiency bill the appropriation of a sum of money sufficient to enable me to cause the Great Seal of the United States to be recut.
>
> The present Seal was cut in 1884,[2] and has become worn out in service, so that it no longer makes a proper impression.

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[1] For a biographical sketch, see *Dict. Amer. Biog.*, III, 476–477.

[2] In some of the papers printed in this chapter, the die then in use was referred to as having been "cut in 1884" or as the "seal of 1884". As shown in Chapter XII, the Tiffany die was actually cut in 1885, although consideration of the design began earlier and the statutory authority for the die dated from 1884. In this volume the author has identified the various dies of the Great Seal by the year of their first use.

> I, therefore, request you to cause to be inserted in the general deficiency bill an item of $1,250 for recutting the Great Seal of the United States.[3]

Although from the amount requested, which was more than that paid for the die, press, and cabinet of 1885, it would seem that replacement of all three items was contemplated, the Secretary's letter specified only "recutting the Great Seal".

Evidently Hay deemed it unnecessary to write to the Chairman of the Senate Appropriations Committee on the subject; a thorough search of both archival and printed sources has failed to disclose such a communication. As a result of the letter to Cannon, however, the Deficiency Act approved July 1, 1902, included this provision:

> To enable the Secretary of State to have the Great Seal of the United States recut, one thousand two hundred and fifty dollars.[4]

Following the enactment of this provision, there was delay in having the new die cut. The reason was a discussion in the Department as to whether changes should be made in the seal design. Only three relevant papers have been found among the Department's records, and they fail to identify the participants in the discussion, except for their writer, Gaillard Hunt. Addressing Assistant Secretary David J. Hill in July 1902, Hunt argued forcefully for reproducing exactly the design of the die of 1885, which, he said, had not been "lightly adopted and should not lightly be set aside". His conclusion was that the seal design was "coequal with our nationality and should not be changed".[5] Hunt summed up the matter in his history of the Department as follows:

> Before the act was put into effect, a discussion arose among the officers of the Department on the subject of the design. On one side, it was thought that the design in use was not the best obtainable and that an artist of high repute should be called in to draw a new one. In fact, there

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[3] Report Book, XXI, 57–58, D.S., R.G. 59, entry 142, N.A.

[4] 32 Stat. 552.

[5] Miscellaneous Records Concerning the Great Seal, 1881–1909, D.S., R.G. 59, entry 856, N.A. For a biographical sketch of Hill, see *Natl. Cyclo. Amer. Biog.*, XII, 244–245.

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> was preliminary consultation with such an artist.[6] On the other side, it was insisted that a new design would certainly vary from the original seal; that there must be a stable interpretation of the American arms; that the seal of 1884 had been made with great care after free consultation with experts; that it had been generally accepted by other government departments; was used on the uniform of the army and the President's flag in the navy, and that it should be adhered to. To this conclusion the Department definitely came, after full consideration . . .[7]

Perhaps one of the officers who argued for trying to improve the seal design was the one charged with obtaining the new seal die. This was Herbert H. D. Peirce, of Massachusetts, who was Third Assistant Secretary of State. The fact that Hunt addressed his arguments to Hill, who was Peirce's superior officer as well as Hunt's, tends to support this guess. Previously Secretary of Embassy at St. Petersburg, Peirce had been appointed to his post in the Department on November 15, 1901, and he continued to serve as Third Assistant Secretary until June 22, 1906, when he was commissioned as the first resident American Minister to Norway, a post he held until 1911.[8]

At any rate it was Peirce who entered into further negotiations for the purchase of a die and press from McBride, whose intention it was to subcontract the cutting of the die and the construction of its press. McBride's letterhead described him as "Educational Publisher" and continued in smaller type with the words "Designs for State Seals, and Heraldic Descriptions. Seal Presses, Cases", followed by the address, "Colonization Building, Washington, D.C." In other letters McBride gave his address as 450 Pennsylvania Avenue Northwest—the address at which he was listed in the Washington city directories from 1896 to 1909.

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[6] The artist referred to has not been identified. It may possibly have been Harry Leslie Chorlton, whose obituary in 1955 indicated that "he had worked two and a half years after the turn of the century making modifications on the design of the Great Seal". *New York Times*, Aug. 24, 1955, p. 27. That obituary, however, was inaccurate in other respects—a headline, for example, mistakenly identified Chorlton as the "Artist Who Engraved Great Seal on the $1 Bill" (cf. Chapter XV, p. 407)—and no trace has been found of correspondence between the Dept. of State and Chorlton concerning the design of the Great Seal in the period 1900–1903.

[7] *Dept. of State*, pp. 253–254. See also Hunt, *History of the Seal*, p. 63.

[8] For biographical sketches, see *Natl. Cyclo. Amer. Biog.*, XXVII, 273–274; *Who Was Who in America*, I, 954; *Register D.S.*, 1910, p. 93. Dougall and Chapman, *U.S. Chiefs of Mission*, pp. 114, 191. According to Stuart, *Dept. of State*, p. 195, Peirce's appointment in the Dept of State was made at the request of Senator Henry Cabot Lodge.

General James Douglas McBride, as the only middleman ever employed to obtain a Great Seal die for the United States Government, deserves a biographical note in this history. Born at Mansfield, Ohio, March 26, 1842, he enlisted as a sergeant in the 1st Ohio Volunteer Infantry in April 1861, just after his nineteenth birthday, and was mustered out the following August. He served as second lieutenant in the 5th West Virginia Volunteer Infantry in 1862–1863. In 1864–1865 he was first a major and then a lieutenant colonel in the 8th United States Colored Heavy Artillery, and on March 13, 1865 (two weeks before his twenty-third birthday), he was breveted colonel and brigadier general "for gallant and meritorious services during the war". He was later commissioned second lieutenant in the 1st United States Cavalry, but resigned in 1868 without joining his regiment for duty. In 1876, as recounted in Chapter XIV, he was the central figure in a project that later involved special legislation for affixing the Great Seal. He was listed in the Washington city directory of 1880 as a patent agent, and from 1882 to 1886 (with some variations in language) as an "attorney before Congress of the United States, attention given to legal business before the Executive Departments of the Government"—in modern terms, a lobbyist. McBride was listed as a lawyer in the directories for 1887–1891, and in 1892, as also recounted in Chapter XIV, he was once more successful in obtaining special legislation for affixing the Great Seal to one of his ventures. His activities suggest a degree of political influence, or the presence of a powerful sponsor, on Capitol Hill. His name did not appear in the city directories for 1892–1895, but after 1896 he was listed regularly. McBride worked briefly for both the General Land Office and the Federal Pension Office. His business as an educational publisher, carried on in later years under the name of the James D. McBride Company, was last listed in the 1926 directory. He continued to live in Washington until his death, at the age of ninety, on May 22, 1932. Married in Philadelphia in May 1880 to Alice Evelyn Thompson, from whom he was later divorced, he had a son and an unmarried daughter, Marguerite, who described herself in 1932 as his only survivor.[9]

[9] Boyd, *Directory of D.C.*, 1880–1932, particularly 1899, p. 677; 1902, p. 739; 1905, p. 649; 1906, p. 761. Powell, *List of Officers of the Army*, p. 459. Civil War

(Footnote continued on next page)

Peirce's negotiations with McBride had not proceeded far before they encountered an obstacle. Although the relevant clause of the Deficiency Act quoted above provided funds "to have the Great Seal of the United States recut", and nothing more, the Department of State wanted a new press as well as a new die. On February 7, 1903, Peirce wrote to McBride to explain the difficulty:

> Owing to an error in framing the act of appropriation for recutting the Great Seal of the United States, the Department finds that it cannot legally, at present, purchase the press for the Seal, and the whole matter must therefore, be suspended until an amendment can be introduced into Congress permitting the act to cover the purchase of a press.[10]

Just how this amendment was requested is not apparent. A careful search has failed to reveal any communication from the Department to either Appropriations Committee on the subject. Perhaps Peirce, who was not without friends on Capitol Hill, was able to handle the matter in person. At any rate, the Deficiency Act approved March 3, 1903, remedied the situation with the following clause:

> To enable the Secretary of State to have the Great Seal of the United States recut from the original model, and to purchase a suitable press for its use and a cover to protect the same from dust, the sum of one thousand two hundred and fifty dollars appropriated by the deficiency act approved July first, nineteen hundred and two, "To enable the Secretary of State to have the Great Seal of the United States recut," is hereby reappropriated for the purposes above mentioned.[11]

Hunt later commented on the wording of this clause and its interpretation by the Department:

> The use of the words "original model" in the law effectually put at rest the question of making a new design; but precisely what it meant beyond this is not clear. The seal of 1782 was the original seal; and the

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(Footnote continued from preceding page)
pension file, James D. McBride, application 166504, certificate 883272, Veterans Administration Records, R.G. 15, N.A. Death certificate, Vital Records Division, Dept. of Human Resources, D.C. A James D. McBride, possibly the General, was listed as a clerk in Boyd, *Washington Directory*, 1867, and in Boyd, *Directory of D.C.*, 1878. Concerning McBride's earlier activities relating to the Great Seal, see Chapter XIV, pp. 374–377.

[10] Copy in the files of the Presidential Commissions office, D.S.

[11] 32 Stat. 1032.

seal of 1884 had been made to conform to it in all essentials. In default of there being any other "original model," the Department interpreted the law as meaning that there should be no departure from the design in use. The new model was accordingly cut on precisely the same model as the seal of 1884.[12]

Acquisition of the Die and Press

Following passage of the act approved March 3, 1903, McBride furnished the Department sketches, drawings, blueprints, and draft specifications of construction of the press. R. Hoe & Company, of New York, the firm which had manufactured the Inca press, was to make the press and stand or cabinet, and Max Zeitler, in the employ of Bailey Banks & Biddle, of Philadelphia, was to engrave the die.[13] The negotiations between Peirce and McBride resulted in the following contract, signed April 11, 1903:

> IT IS AGREED by and between Herbert H. D. Peirce, Third Assistant Secretary of State, party of the first part, and James D. McBride, of Washington, D.C., party of the second part, that said second party will furnish to the Department of State a fac-simile of the Great Seal of the United States and a press and stand for the same, the said seal and the press and stand to be prepared and completed by the persons respectively hereinafter named and in accordance with the following specifications, to wit:
>
> FIRST. A fac-simile of the Great Seal of the United States cut in Harveyized steel, the matrix of which will be double annealed copper: also an extra adjusted matrix of same material.
>
> SECOND. Seal Press shown in Exhibit "A",[14] Blueprint from drawing of the State Seal Press. It is drawn full size, and the dimensions are all given. To which will be added (not shown in drawings) two spiral springs covered with steel or manganese bronze tubes will be attached to the screw box holder so as to reflex the action of the screw and automatically lift the seal from the matrix after each impression. The throat of the press will be eighteen inches from center of seal to the arch.

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[12] *Dept. of State*, p. 254. See also Hunt, *History of the Seal*, p. 64.

[13] A letter of Apr. 9, 1903, from McBride to Peirce stated that Zeitler would cut the die if McBride received the contract then under discussion; McBride also enclosed impressions in wax from eight seal dies that Zeitler had engraved. Original in the files of the Presidential Commissions office, D.S. Concerning the Inca press manufactured by the Hoe firm, see Chapter IX, pp. 211–213.

[14] The exhibits annexed to this contract are not reproduced.

SPECIFICATIONS OF CONSTRUCTION:

ARCH, Cast Iron, handsomely japanned and striped.
BRACKET FOR DIE HOLDER, Cast Iron, japanned and striped.
HANDLE, Wrought Iron, polished, and nickel plated.
PEAR SHAPED BALLS ON HANDLE, Cast Iron, (diameter five inches) polished and nickel plated.
SCREW, Tool Steel.
SCREW BOX, Manganese Bronze.
DIE HOLDER, Machinery Steel.
DIE, Tool Steel.
MATRIX HOLDER, Tool Steel.
Approximate weight of press 500 pounds.

THIRD. Mahogany paneled stand for Seal Press, shown in Exhibit "B", (made half size) with four drawers and folding top. The joints of the top will be tongued and grooved, to make it dust proof. The press will be sunk in the stand so that the matrix of the seal comes even with the table surface. A drop leaf 12 × 18 inches (not shown in drawings) will be hinged to the front of the press stand. Exhibit "C" rough sketch of press stand, shows how the top opens, and front doors fold down, to be out of the way.[15]

R. Hoe & Company, 504–520 Grand Street, New York City, will construct the Seal Press and Stand: also adjust in the press the seal and matrix.

The said Seal, Press and Stand are also to be done and completed to the satisfaction of said first party and ready for delivery to and at the Department of State, not later than June 15, 1903. In consideration of the premises, the said first party agrees to pay the said second party the sum of $600.00 on the acceptance and delivery of said work.

In case of the failure of said second party faithfully and fully to perform said contract on or before the 15th day of June, 1903, the same is thereupon to become null and void, without liability on the part of said first party to render any compensation whatever for work done or caused to be done thereunder.

Witness our hands this eleventh day of April, 1903.[16]

As in 1885, the work on the die and press took longer than expected. A letter from Peirce to McBride dated July 7, 1903, pointed out that the time fixed for delivery of the die, press, and

[15] Differing from these specifications, the cabinet was so constructed as to open in the center and swing sideways, thus fully exposing the press and leaving the entire table surface unobstructed. Enclosure to letter to the author, Apr. 15, 1976, from Mrs. Bernice C. Renn, Chief, Presidential Commissions, Dept. of State, Washington.

[16] Original in the files of the Presidential Commissions office, D.S.

stand "has now long since expired" and stated that "it would be to your interest to call without delay and confer with me on the subject".[17]

Presumably McBride called on Peirce as requested and offered acceptable explanations. Some three months later the Washington *Evening Star* noted that "a new seal of the United States and a new press for operating the same" were installed in the office of the Department's Chief of the Bureau of Appointments on October 28, 1903. The article in the *Star* continued:

> There was some delay in the work of cutting the seal, owing to the temporary illness of Mr. Zeitler, and because of the unwillingness of the authorities to intrust the work to any other engraver. Mr. Zeitler subsequently recovered his health, however, and was finally enabled to complete the delicate and important work to the entire satisfaction of Assistant Secretary Peirce.
>
> The seal, the press and the cover having been accepted they were today permanently installed in the office of the chief of the appointment division.[18]

This installation proved to be less than permanent. The press was "found to be too light, the 'goose neck' showing a slight amount of give, making a perfect impression impossible". McBride had the press removed from the Department and returned to R. Hoe & Company, which thereupon undertook "the construction of a second press".[19] Meantime, the Department continued to use the Tiffany die and press of 1885 for affixing the Great Seal.

Rebuilding the Press

The seal die and a matrix were left in the press on its removal from the Department. When Peirce learned that unauthorized persons had been making impressions of the Great Seal for their own purposes, he had the die and matrix taken out of the press and placed in his own hands. A letter Peirce wrote to McBride on January 2, 1904, mentions this matter and shows that his

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[17] Copy in the files of the Presidential Commissions office, D.S.

[18] *Evening Star*, Oct. 28, 1903, p. 2. The Zeitler die was thus completed in 1903, but, as it was not put to official use until early the following year, it is referred to in this volume as the die of 1904. See *supra*, p. 292*n*.

[19] Original memorandum from Stephen H. Quigley to Peirce, June 21, 1906, in the files of the Presidential Commissions office, D.S.

patience was wearing thin. When by January 8 Peirce had received no reply, he sent a copy "by registered mail in order that there may be no doubt as to its reception". The text of the letter follows:

> I am in receipt of your letter of December 31st,[20] giving a copy of a letter purporting to be addressed to you by a third party, presumably an attorney-at-law, in which he sees fit to impugn my motives in desiring you to sign an agreement with me supplemental to your contract of April 11, 1903, the purpose of which agreement was to safeguard the interests of the United States Government against any claim that the dies furnished by you for impressing the Great Seal have been accepted because of any action of the Department of State in taking charge of the said dies and claiming authority over them.
>
> Acting on behalf of the Department of State I feel that I have shown great patience and consideration for you, regarding this contract, the terms of which require the delivery of the seal and press in satisfactory working condition, on or before the 15th day of June, 1903, more than six months ago.
>
> Circumstances now render it necessary that the terms of the contract be fulfilled without further delay, or in default, that it be declared null and void.
>
> I therefore, call upon you to deliver to the Department of State, the press, and to adjust to it the dies in such manner that a good and satisfactory impression of the Great Seal of the United States can be made therefrom, and to my satisfaction, on or before the 22nd day of January, 1904, in default of which the said contract shall be considered null and void.
>
> In view of the fact that on a previous occasion, owing to the dies having been permitted to remain for a sufficient time out of the custody of their proper guardian, they were unlawfully used to make impressions of the Great Seal of the United States, I deem it improper to permit the dies to go out of the custody of their proper guardian. There seems to be no good and sufficient reason why the dies should not be adjusted to the press at the Department of State.
>
> While, therefore, I claim and insist that the terms of the contract have not as yet been complied with, on the other hand, as it is unlawful for any party other than the proper official custodian of the Great Seal to have in his possession dies for impressing the Great Seal, I must decline to permit the dies in question to go out of the custody of the Department of State.[21]

McBride replied the next day, sending a copy of a letter of January 7 from R. Hoe & Company regarding the fitting of the

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[20] McBride's letter and its enclosure have not been found.

[21] Copy in the files of the Presidential Commissions office, D.S.

die holder and matrix holder to the new press and requesting that the die and matrix be sent to the Hoe works in New York for insertion in the press. On January 11 Peirce reluctantly agreed to send the die and matrix to New York. He stated that he would do so only "with the distinct understanding . . . that this action is not to be construed as an acceptance of the work as satisfactory, and that the test is to be made after the seal and press are placed in the State Department in working order". On January 13 McBride sent Peirce a copy of a letter from the Hoe firm dated the previous day and saying that the company would need the seal die and the two matrices on Friday, January 15.[22]

On January 14 Acting Secretary Francis B. Loomis [23] signed the following document, which authorized and directed the Chief of the Bureau of Appointments, who was described as "the proper and lawful guardian and custodian" of the Great Seal, to carry the die and matrices to New York for the purpose of having them fitted into the new press:

> To whom it may concern:
>
> The bearer of this, Mr. Robert Brent Mosher, Chief of the Bureau of Appointments of the State Department of the United States at Washington, District of Columbia, is the proper and lawful guardian and custodian of the dies for impressing the Great Seal of the United States, and as such is proceeding to New York with certain dies in his possession made for the purpose of impressing the Great Seal of the United States, which said dies have been furnished to the Department under contract by James D. McBride as part of an apparatus for impressing said Great Seal, but said dies while held by the Department and entrusted to the custody of said Robert Brent Mosher, are not yet accepted as fulfilling the contract, but at the same time it being unlawful for any person but the proper custodian of the Great Seal and the dies for impressing the same to have in his possession such dies the said Robert Brent Mosher holds these dies as trustee.
>
> Now this is to forbid all persons taking the said dies for impressing the Great Seal of the United States out of the hands and possession of the said Robert Brent Mosher, except under such conditions as he may lawfully prescribe.[24]

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[22] Files of the Presidential Commissions office, D.S.

[23] For biographical sketches, see *Natl. Cyclo. Amer. Biog.*, XXXVII, 38–39; *Who Was Who in America*, II, 329.

[24] Copy in the files of the Presidential Commissions office, D.S., attached to the above-cited Quigley memorandum of June 21, 1906.

On January 14 Mosher went by train to New York, carrying with him the foregoing paper and the Great Seal die and its two matrices. He remained there for three days, watching over the die and matrices while R. Hoe & Company inserted them in the new press and adjusted them to make proper impressions. He reported afterward that "much trouble had been experienced in getting a proper impression of the Seal, more than a day being consumed in setting the screw properly". Presumably his duties included gathering up and destroying all test impressions. On January 17 he returned to Washington. The expenses of his trip, which the Department charged against the appropriation for recutting the Great Seal, amounted to $47.75.[25]

It took R. Hoe & Company one more week to prepare its product for shipment. The company's invoice is dated at New York January 25, 1904. It lists one seal press, one mahogany cabinet, one steel die, and two copper matrices, at a total price of $600. It shows further that shipment was made by Adams Express. The company sent the invoice to the Department with the following letter dated January 27, addressed to Peirce:

> Mr. James D. McBride informed us that you have consented to our rendering to the Department of State the invoice for the Seal Press, Cabinet, Die and Matrices and that upon acceptance of the Press, etc., payment would be made to us. We therefore enclose the invoice herewith.
>
> We have endeavored to supply to the Department an exceptionally fine press and cabinet for impressing the Great Seal of the United States, regardless of the expense to us, and hope that it will in every way meet your expectations.[26]

Filed with the foregoing letter is the following original assignment, dated February 2, 1904, signed by McBride, and witnessed by the two members of Mosher's staff at that time, Harry Kimmel and Quigley:

> Know all men by these presents, that I, James D. McBride, of Washington, D.C., in consideration of the sum of six hundred dollars, have assigned and transferred to R. Hoe & Co., of New York City, all that debt or sum of six hundred dollars which is now due and owing to

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[25] Quigley memorandum of June 21, 1906. Bills, 1904, p. 349, Accounts Records, D.S., R.G. 59, entry 237, N.A.

[26] Miscellaneous Letters, Jan. 1904, part III, D.S., R.G. 59, entry 102, N.A.

me from Herbert H. D. Peirce, Third Assistant Secretary of State, of Washington, D.C., under and by virtue of a contract between said Peirce and said McBride, bearing date of April 11, 1903; and all my right, title, interest, claim and demand, of, in and to the said debt or sum of six hundred dollars; to hold to the said R. Hoe & Co., their successors and assigns, from henceforth to their own proper use, benefit and behoof forever.

I hereby direct the said Herbert H. D. Peirce to pay to said R. Hoe & Co. the above-mentioned debt or sum of six hundred dollars.[27]

Nothing has been found among the Department's records regarding the first use of the new Great Seal die and press. Cigrand fills this gap, however, by printing in facsimile a letter that Mosher addressed to him on a Department of State letterhead under the misdate of June 31, 1904, as follows:

I thank you for the photograph of the old seal press and case.[28]

The new seal was completed in January, 1904, and was first used on the commission of Edwin V. Morgan,[29] as Consul at Dalny, Manchuria,[30] on January 27, 1904.

The colored prints of the seal were made for the United States Embassies, Legations and Consulates.[31]

Having put the new instrument into use and found it satisfactory, the Department paid the bill of R. Hoe & Company in the amount of $600 on February 8, 1904. This sum, together with the amount of Mosher's expenses for his trip to New York, were the only charges against the appropriation of $1,250 for recutting the Great Seal.[32] In other words, as compared with the total cost of the new die, press, and cabinet in 1885 of $1,000, the total cost in 1904 was only $647.75. This must be construed as a bargain price, considering that the die, press, and cabinet installed in 1904 are all still in use today (1976), and thus have already been

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[27] Miscellaneous Letters, Jan. 1904, part III.

[28] See illustration 46.

[29] For biographical sketches, see *Dict. Amer. Biog.*, XXI, 563–564; *Register D.S.*, 1934, p. 284.

[30] Now better known as Dairen. Morgan did not actually serve there. *Register D.S.*, 1934, p. 284, gives the date of Morgan's appointment to Dalny as Jan. 22, 1904. The commission was so dated, but it was not sealed until the new Great Seal die and press could be used.

[31] Cigrand, *Story of the Great Seal*, unnumbered page among the plates following p. 286. The "colored prints" referred to have not been precisely identified.

[32] Bills, 1904, p. 349.

used more than a decade longer than the total useful life of any earlier Great Seal die.

Max Zeitler

Although payment for the complete instrument was made in a lump sum to R. Hoe & Company, McBride had ordered the die from the Philadelphia firm of Bailey Banks & Biddle, and it was cut by an expert engraver then in that firm's employ, Max Zeitler. Two counter-dies were made fom Zeitler's die by impression at the United States Mint at Philadelphia.[33]

Zeitler was born at Frankfurt am Main, Germany, March 26, 1854. He attended the local elementary school and learned the art of engraving. To further his education he attended evening classes for some years and studied design and modeling at the City Institute. For a time he worked for the firm of B. Dondorf, which in its day produced paper money for various nations of the world. He traveled throughout southern Germany, continuing his education in Munich.

Zeitler came to the United States in 1888 and found employment with Bailey Banks & Biddle in Philadelphia. In October 1893 he established his own business, but continued also to work for Bailey Banks & Biddle. Zeitler was an expert at engraving invitations, menus, letter paper, and the like. He engraved the invitations to the inaugurations of the Governors of various States and to the inaugurations of Presidents Harrison, Cleveland, McKinley, and Theodore Roosevelt. When Bailey Banks & Biddle contracted to engrave the Great Seal die in 1903, it entrusted the work to Zeitler and so informed the Department of State. Zeitler's establishment was then located at 1208 Chestnut Street. Cigrand's book includes a plate showing Zeitler at work engraving the die of the Great Seal, and that plate is reproduced here as illustration 47. After completing his work on the seal die, Zeitler renamed his establishment the "Eagle Engraving Company".

Zeitler led an active social life and was known for his wholesome, unfailing humor and for a spirit of revelry that revealed itself at social gatherings and in carnival skits. Among other

[33] Above-cited memorandum from Quigley to Peirce, June 21, 1906.

interests, he sang in choirs and was a member and an officer of various German clubs.

Available information includes no mention of Zeitler's having married. He died at Lankenau Hospital, Philadelphia, August 30, 1922, leaving no will and no known heirs. Administration records show that he owned no real estate, left goods valued at only $200, and owed the petitioner, Henry Liertz, the sum of $1,500 plus interest. A check of Philadelphia newspapers disclosed no obituary.[34]

For a portrait of Zeitler, see illustration 30.

Characteristics of the Die of 1904

As the Zeitler die of 1904 is installed in the seal press, and cannot be removed for examination without interfering with the delicate adjustment between die and counter-die, its physical characteristics can best be described from the blueprints for the die which R. Hoe & Company prepared in 1902 and which Peirce approved the following year. The blueprint entitled "Die for Great Seal of U.S.", dated April 23, 1902, specified that the die was to be cut on double annealed Jessop's tool steel and finished all over. The die was to have a square flange, but the face (or impression surface) was to be round. A round shoulder—of the same diameter as the face—was to be turned on the back, to be set in a recess of the plunger as a safeguard against any shifting of the die. Four holes, each $\frac{3}{8}$ of an inch in diameter, were to be drilled in the corners of the flange to secure the die to the plunger. The following measurements were specified: (1) the face of the die, $3\frac{5}{16}$ inches in diameter; (2) the flange, $4\frac{1}{2} \times 4\frac{1}{2}$ inches, with a thickness of $\frac{3}{8}$ of an inch; (3) the round face, $\frac{3}{16}$ of an inch thick; and (4) the round shoulder, $\frac{3}{32}$ of an inch thick. The thickness of the entire die was thus to be $2\frac{1}{32}$ of an inch.[35]

[34] The author is indebted to Miss Elise Ziegler, Librarian, Joseph Horner Memorial Library of the German Society of Pa., Philadelphia, for finding and making available copies of the biographical sketch and portrait of Zeitler in *Hervorragende und fortschrittliche Deutsch-Amerikaner von Philadelphia*, no folios. Letters to the author, Mar. 21 and Apr. 4, 1974, from Miss Ziegler. Letter to the author, Feb. 3, 1974, from Miss Alma Stevens, of Philadelphia. Max Zeitler, Administration 1922 No. 2110, Sept. 15, 1922, Register of Wills Office, City Hall, Philadelphia.

[35] Original blueprint in the files of the Presidential Commissions office, D.S.



48. The Zeitler Die of 1904



49. Impression From the Die of 1904

Impressions from Zeitler's die are 3 inches in diameter and so nearly identical otherwise with impressions from the die of 1885 that it is diffcult to tell them apart without expert knowledge. The engraving of Zeitler's die, however, appears to be much deeper, and its impressions are sharper and clearer, particularly in the feathering of the eagle and in the nineteen cloud puffs of the crest. Manifestly the Department's instructions to the engraver were to reproduce the design of the die of 1885 as exactly as possible. The Department must have furnished him with impressions from the die of 1885 and with the text of the blazon of June 20, 1782. Acting under these instructions, Zeitler copied the Tiffany design of the eagle, retained the shape of the crest and the thirteen olives from the die of 1885, and also kept the five-pointed stars first introduced by Throop in 1841.

In view of the discussion in the Department about possible improvements in the design, Peirce may have called the engraver's attention to two imperfections in the die of 1885. Impressing only solid lines for the rays of the glory in the crest, the die of 1885 failed to show the color gold (*or*), which was specified in the blazon of 1782. Zeitler corrected this heraldic error by engraving the rays as alternately solid and dotted lines, the dots representing gold. The Tiffany die also failed to show the blue (*azure*) field for the stars in the crest, likewise specified in the 1782 blazon. Zeitler corrected this error in heraldry by engraving horizontal lines for *azure* in the space between the stars and the encircling cloud puffs.

A number of minor stylistic details are also noticeable, on close study, between the new die and the Tiffany die which it replaced: (1) the feathers on the eagle's wings and tail are more pointed in the Zeitler die than in that of 1885; (2) the talons of Zeitler's eagle have shorter joints than those of the Tiffany eagle; (3) Zeitler cut fewer distinguishable barbs on the butt ends of the arrows; and (4) the shape of the letters used for the motto *E Pluribus Unum* was modified.

Illustration 49 reproduces a photograph of an impression from the Zeitler die. The die itself was photographed, probably about 1920 or somewhat earlier, apparently at a time when it had been removed from the press in connection with the manufacture of new counter-dies. The photographic negative made at

that time, on glass, is preserved in the Presidential Commissions office of the Department of State, and a print from it is included in this volume as illustration 48.

Zeitler's working drawing for the die of 1904 has not been found. An expert and detailed print of the design executed by Zeitler was published, however, in 1909 in Gaillard Hunt's *History of the Seal of the United States*; indeed, that print is so expert and detailed that one suspects that Hunt borrowed Zeitler's drawing and reproduced it in his book. Hunt's print appears in the present volume both as illustration 71 and as a cut on the title page.

The Press and Its Cabinet

The die, press, and cabinet of 1904 have continued in use to the present time. The original specifications for the press are set forth above as part of the contract dated April 11, 1903. Although the first press delivered was unsatisfactory and was returned and rebuilt, the general specifications were not altered. The screw box of the present press displays the date "June 15, 1903", which is that specified in the original contract for the delivery of the completed instrument. That instrument consists of the press proper, made of metal, and the cabinet, comprising a stand on which the press rests and a hinged cover that opens and closes horizontally to protect the mechanism from dust and tampering.

The stand measures 36 inches in height, 28 inches in width, and 40 inches in depth. It consists of a mortised and tenoned frame of selected maple, which is covered with paneled mahogany. On the front of the stand is a hinged drop leaf, and in the lower part are three drawers. The cover that protects the press—except for the plated wrought-iron handle with its pear-shaped balls, which rises above—measures 16½ inches in height, 12½ inches in width, and 33¼ inches in depth. It is made of paneled mahogany. The whole instrument—die, press, and cabinet together—weighs about 500 pounds.[36]

[36] Letter to the author, Mar. 5, 1974, from Mrs. Renn. The original blueprint for the cabinet (which also shows the press), dated May 15, 1903, and bearing the name of W. O. Tait, is in the files of the Presidential Commissions office, D.S.

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50. The Hoe Cabinet (1904) Closed



51. The Hoe Press and Cabinet (1904) Open

For pictures of the press and cabinet, one with the cover closed and one with it open, see illustrations 50 and 51.

The man who built the cabinet was Frederick S. Betchley, then chief cabinetmaker for R. Hoe & Company. Betchley was a long-time subscriber to, and faithful reader of, the *National Geographic Magazine*. When the issue of July 1946 appeared, carrying the article by Mrs. Elizabeth W. King entitled "Seals of Our Nation, States, and Territories", Betchley noticed the illustration on page 41 showing the Great Seal press in operation. On July 4, 1946, from his home in Brooklyn, New York, he wrote to the editor of the magazine, as follows:

> Was much pleased to find in the July number of our Magazine, a much prized specimen of my ability as a cabinetmaker in the Cabinet protecting the Great Seal of the United States.
>
> I am 83 years young. I was chief cabinetmaker for R. Hoe & Company from 1896 to 1924. I have never been able to visit Washington, and have often wondered if that job was still in existence. My first Magazine was #23.[37]

Modifications to the Instrument

During the seven decades in which the Zeitler die of 1904 has been in use, a number of modifications and repairs have been made to the press and cabinet, although no change has been made in the die itself. First, two new counter-dies were manufactured about 1920 or somewhat before, to judge from the estimated age of a negative, on glass, of a photograph of one of them preserved in the files of the Presidential Commissions office. One of these counter-dies was inserted in the seal press, replacing its twin, at about the time the press and cabinet were moved from an annex into the main building occupied by the Department of State early in 1955. Second, a measure was taken about the same time to provide greater security against unauthorized use of the seal: a hole was drilled through the mandrel of the press, above the die, and a pin and padlock were inserted. Third, when the nickel plating on the dumbbell handle of the press showed signs of wear, the handle was removed and was chromium plated about 1961 by the Universal Electro-Plating Company, of Washington. The most

[37] Copy enclosed with letter to the author, July 19, 1946, from Mrs. Elizabeth W. King, of the staff of the *National Geographic Magazine*, Washington.

recent modification was made in preparation for the anticipated influx of tourists for the bicentennial celebrations in Washington: the cabinet work enclosing the Great Seal press and its stand was removed from its frame, was refinished in May 1975 by Saulitis Furniture Repair, Incorporated, of Falls Church, Virginia, and was then returned to the Department of State, where it was refitted on the frame by the Department's Audio-Visual Services Division.[38]

Custodians and Peregrinations Since 1904

As Chief of the Bureau of Appointments, Robert Brent Mosher (1856–1927) had charge of the new Great Seal die from the time it was put into use on January 27, 1904. Mosher had a staff of two, one of whom was Stephen H. Quigley. Mosher continued in this post and in charge of the new die of the Great Seal for a little more than a year. On March 10, 1905, he was appointed Consul at Collingwood, Ontario, Canada, thereby beginning a career in the Consular Service, from which he retired July 1, 1924.[39] For a photograph of Mosher, see illustration 52.

It is not to be supposed that Mosher and his successors as custodians or keepers of the Great Seal[40] always, or even very often, operated the press and affixed the seal to documents with their own hands. Sometimes they did; but it was usual then, as it is now, for the officer in charge to delegate that task to one or another of his or her subordinates. On this point a former keeper, Mrs. Clydia M. Richardson, has written that the Chiefs of the office

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[38] Information supplied by Mr. Harry E. Keiper, Chief, Audio-Visual Services Division, Dept. of State, Aug. 6, 1976; by his predecessor in that position (now retired), Mr. Fernleigh R. Graninger, Dec. 5, 1976; and by Mrs. Renn, Oct. 5, 1976.

[39] *Register D.S.*, 1904, p. 18; 1928, p. 222. Personnel card for Mosher, D.S., R.G. 59, entry 370, N.A. Applications and Recommendations, D.S., R.G. 59, entry 333, N.A.

[40] See Chapter IX, p. 205, for a discussion of the terms "custodian" and "keeper" as applied to the individuals immediately responsible for the Great Seal. All these individuals had other duties, and their official titles stemmed from their duties taken as a whole rather than from their responsibilities relating specifically to the seal. Mrs. Richardson was the first officer to be referred to with some regularity (although unofficially) as keeper of the Great Seal.

> . . . rarely affixed the Seal to documents. There were certain personnel who were assigned that responsibility. I had several girls who did the work & I sometimes helped or on rare occasions did the sealing myself.[41]

On April 4, 1905, Charles Ray Dean (1857–1932), of Illinois, succeeded Mosher as Chief of the Bureau of Appointments. His original staff, which included Quigley, grew to six or eight as the duties of the office were enlarged. Custody of the Great Seal remained among those duties. On July 3, 1906, Percy F. Allen came into the Department and joined the staff of the Bureau. Dean continued in charge until he resigned from the Department, effective September 30, 1908.[42] For a photograph of Dean, see illustration 53.

On November 2, 1908, Miles Martin Shand (1859–1934), of New Jersey, succeeded Dean as Chief of the Bureau of Appointments, the duties of which continued to include custody of the Great Seal. During his years in this post Shand had a staff that ranged in number from four to eight. Among them were Quigley and Allen. In 1914 Allen became Assistant Chief of the Bureau. Shand served until a reorganization, effective July 1, 1924, abolished the Bureau and transferred him to other duties.[43] For a photograph of Shand, see illustration 54.

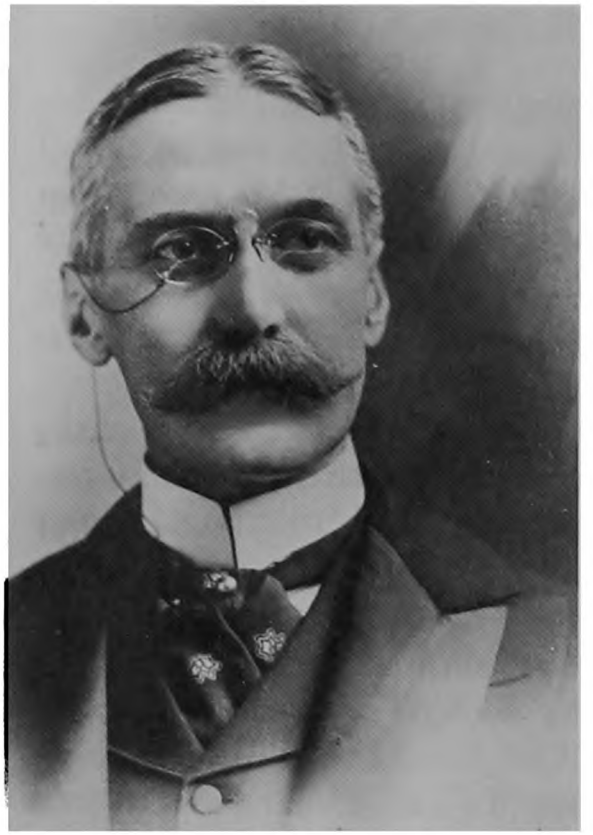
On July 1, 1924, an "Appointment Section" was established within the Office of the Chief Clerk, and among its duties was custody of the Great Seal. On August 19, 1924, Percy F. Allen (1879–1966), of Maryland, was named Assistant to the Chief

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[41] Letter to the author, Mar. 27, 1973, from Mrs. Clydia M. Richardson, of Washington.

[42] *Register D.S.*, 1905, p. 10; 1906, p. 20; 1907, p. 21; 1908, p. 23; 1931, p. 89. Personnel card for Dean, D.S., R.G. 59, N.A. Obituaries of Dean in *Evening Star*, May 5, 1932, p. B1; *Washington Post*, May 6, 1932, pp. 3, 4.

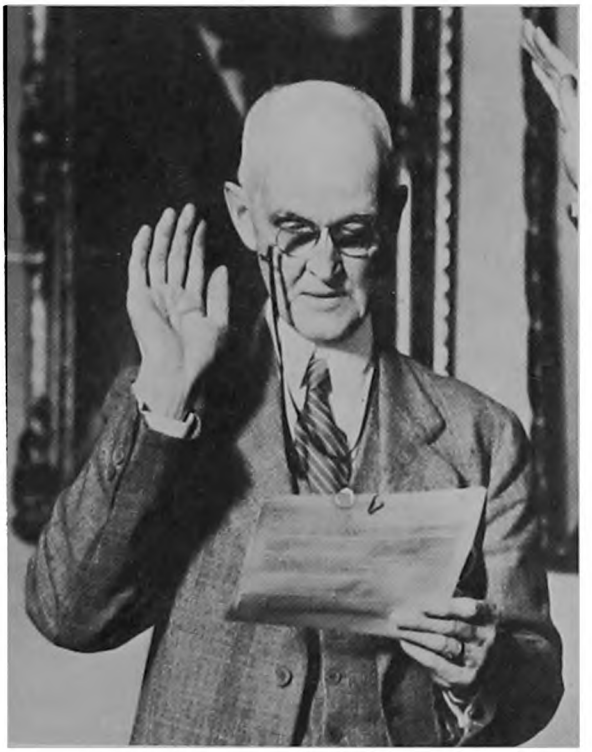
[43] *Register D.S.*, 1909–1924. *D.S. Personnel and Organization, 1921*, p. 35. *Register D.S.*, 1932, p. 239, biographical sketch of Shand. Personnel card for Shand, D.S., R.G. 59, N.A. There may have been a temporary diversion of responsibility for the Great Seal at about the end of 1918, as a 1919 document stated that the "use of the Great Seal of the United States as a seal . . . can only be accomplished by the use of the original dies in the custody of the Librarian", who at that time was John A. Tonner, Chief of the Bureau of Rolls and Library. Memorandum from Lester H. Woolsey, Solicitor for the Dept. of State, to Third Assistant Secretary of State Breckinridge Long, Jan. 9, 1919, file 811.0158/24, D.S., R.G. 59, entry 196, N.A. The *Register D.S.*, 1918, p. 34, however, which was supposedly correct as of Dec. 23, 1918, listed custody of the Great Seal among the duties of the Bureau of Appointments, as did *D.S. Personnel and Organization, 1921*, p. 35. Woolsey may have had in mind a Dept. of State seal that was entrusted to Tonner in 1917. See *infra*, p. 486.



52. Robert Brent Mosher



53. Charles Ray Dean



54. Miles M. Shand



55. Percy F. Allen

Clerk and Chief of the Appointment Section. On the same day Quigley was named Assistant Chief of the Section, and he served in that capacity until June 28, 1934. Mrs. Clydia M. Richardson had come into the Department of State and joined the staff of the Section a few months earlier.

On January 27, 1939, the Office of the Chief Clerk was redesignated "Division of Personnel Supervision and Management", and Allen became Assistant Director of Personnel and Chief of the Recruiting and Selection Section, which had charge of the Great Seal. Allen's staff at the time numbered five, including Quigley and Mrs. Richardson.

In 1942 the Division was renamed again. Within the Division of Departmental Personnel Allen continued as Chief of the Recruiting and Selection Section, with a staff of twelve that included Mrs. Richardson but not Quigley. At the close of business on December 3, 1942, Allen retired. The Department's press release on the occasion included this statement:

> In addition to his duties as principal recruiting and placement officer Mr. Allen acted as custodian of the Seal of the United States and himself affixed the Seal to some hundreds of presidential commissions and other state papers. . . .[44]

For a photograph of Allen, see illustration 55.

For the period 1924–1942 it is possible to state with some accuracy the location of the Great Seal die and press within the Department from time to time. They were in the room where Allen sat, or in a room close by. All the locations were in the south wing of the Department of State Building west of the White House. In that building the first of the three numerals of a room number indicated the floor—first, second, third, fourth, or fifth. Old telephone directories for the Department list Allen in 1924–1925 as having his desk in Room 307. In 1926 his desk was in Room 219. In 1927 it was in Room 217. From 1928 until 1939 it was in Room 100. In 1940–1941 it was in Room 102. In 1942 it was in Room 102½.[45]

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[44] *Register D.S.*, 1925–1941. *Ibid.*, 1942, pp. 88, 226, biographical sketches of Allen and Quigley. Personnel cards for Allen and Quigley. *D.S. Bulletin*, VII, 985–986, Dec. 5, 1942.

[45] *D.S. Telephone Directory*, 1924–1942.

Mrs. Clydia Mae Richardson, of South Dakota, who had joined Allen's staff on February 1, 1934, succeeded Allen in charge of the Great Seal on Friday, December 4, 1942. She and the Great Seal die and press remained in the Recruitment and Placement Section of the Division of Departmental Personnel, as they were then called, until early 1945. Thereafter, for ten years, the Great Seal was a stepchild of the Department, shuttled from one dark corner to another of one building after another, without dignity and without even adequate space for the keeper or her deputy to operate it. In 1945 Mrs. Richardson and the seal were transferred to the Division of Central Services. On October 7 of the same year Mrs. Richardson was designated Chief, Presidential Appointments Section, Division of Protocol. She and the Great Seal remained under the Division of Protocol (which in 1947 became the Protocol Staff) until 1950. On April 10, 1950, Mrs. Richardson was named Chief of Section, Office of Personnel, and four months later, on August 20, Chief, Presidential Appointments and Authentications Staff, Office of Personnel. In 1954–1955 she and the seal were in the Division of Employment of that office.[46]

The following table represents an attempt to pinpoint the locations of the Great Seal die and press from time to time between 1942 and 1955. It has been constructed from the listings of Mrs. Richardson's name in the Department's telephone directories of the period on the assumption, verified by Mrs. Richardson, that the Great Seal was in or near her office. At the very end of the period, however, in 1954–1955, Mrs. Richardson is listed as having her office in Room 2307, State Annex 3, but papers in the files of the Presidential Commissions office indicate that the Great Seal itself was then located in State Annex 4. These two annexes were temporary buildings, now demolished, that stood side by side on the east side of 23d Street between C and D Streets Northwest.

Dec. 1942—Feb. 1945.....	Room 103, Old State Building.
Mar. 1945—Mar. 1946....	Room 913, Walker-Johnson Building, 1734 New York Avenue Northwest.

[46] *Register D.S.*, 1946, p. 87; 1948, p. 11. *Ibid.*, 1969, p. 345, biographical sketch of Mrs. Richardson. *Organization D.S., 1944*, p. 51. *D.S. Telephone Directory*, 1943–1955.

Apr.—June 1946.....	Room 284, Old State Building.
July 1946—May 1947.....	Room 171, Old State Building.
June 1947—Dec. 1949.....	Room 2169, New State Building.
Jan.—Apr. 1950.....	Room 716, Walker-Johnson Building.
May 1950—June 1951.....	Room 712, Walker-Johnson Building.
July 1951—July 1953.....	Room 706, Walker-Johnson Building.
Nov. 1953—Mar. 1954....	Room 408 or 410, Walker-Johnson Building.
Aug. 1954—June 1955.....	State Annex 4.

This was a period of physical transition for the Department—a period of moving out of the Old State Building west of the White House and out of various "annex" buildings, and into buildings in the area bounded by, or in the vicinity of, Virginia Avenue and 21st, 23d, and C Streets Northwest. In 1946 the building then recently constructed at the corner of Virginia Avenue and 21st Street and known as the "New War Building" was chosen to be the new home of the Department of State. It was renamed the "New State Building". The first unit of the Department moved into it on January 22, 1947, the day after General of the Army George C. Marshall entered upon his duties as Secretary of State. On April 19, 1947, when Marshall was in Moscow, the offices of the Secretary and his principal assistants moved from Old State into the New State Building. The years 1955 and 1956 saw the formulation, development, and commencement of a project for enlarging New State into a structure intended to accommodate the whole Department under one roof.

During this period Mrs. Richardson doggedly directed her hopes, prayers, and personal efforts toward obtaining more dignified and respectful treatment for the Great Seal die and press. In the summer of 1954 two newly appointed senior officers, Charles E. Saltzman, Under Secretary of State for Administration, and Isaac W. Carpenter, Jr., Assistant Secretary for Personnel and Administration,[47] visited and inspected the Office of Personnel, including the Presidential Appointments Unit. On this occasion Mrs. Richardson convinced the two men that the Great Seal should be moved from its then location in State Annex 4 to the New State Building. They promptly issued instructions accordingly.

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[47] For biographical sketches of Saltzman and Carpenter, see, respectively, *Who's Who in America*, 38th ed., II, 2686, and *Register D.S.*, 1957, p. 3.

On learning of these instructions, the Deputy Director of the Office of Personnel, Fred W. Jandrey,[48] sent Carpenter a memorandum dated July 28, 1954, urging a delay in moving the Great Seal. Jandrey knew that there was no space then available in the New State Building for the Presidential Appointments Unit, and he deemed it impractical to have the Great Seal in one building and the unit that operated it in another.

Although Jandrey received no answer to his memorandum, the Office of Personnel learned that an alternative was receiving high-level consideration. This alternative would involve the purchase of a substitute mechanism for impressing the Great Seal, to be used in the Presidential Appointments Unit in an annex, and the transfer of the Great Seal die and press of 1904 to a suitable setting in the New State Building where the public could see it—but where it would not be used.

At this time Thomas S. Estes [49] was Acting Deputy Assistant Secretary of State for Operations and also Director of the Office of General Services. A representative of Estes called on Mrs. Richardson and discussed with her the types and sizes of documents that passed under the Great Seal. In December 1954 the Office of General Services informed the Office of Personnel that it had located a possible substitute mechanism and wanted to arrange a demonstration of it. On January 7, 1955, the Lamb Seal & Stencil Company, of Washington, demonstrated the mechanism to officers of the Department. All agreed that it did not meet the need.[50]

Thenceforth the Office of Personnel directed its efforts toward relocating the Great Seal in an appropriate place in the New State Building where the public could view it and where, at the same time, Mrs. Richardson and her staff could use it. Jandrey's first step in this direction was a memorandum to Carpenter dated January 14, 1955, in which he reviewed recent developments and made a recommendation, as follows:

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[48] For a biographical sketch, see *Register D.S.*, 1958, p. 333.

[49] For biographical sketches, see *Who's Who in America*, 38th ed., I, 934; *Register D.S.*, 1966, pp. 160–161.

[50] Copy of memorandum from Mrs. Richardson to Arch K. Jean, Chief, Division of Employment, Office of Personnel, Jan. 3, 1955, and original memorandum from Ralph Scarritt, Chief, Division of Management and Services, Office of Personnel, to Mrs. Richardson, Jan. 10, 1955, in the files of the Presidential Commissions office, D.S.

> Friday, January 7, representatives of OGS [Office of General Services] and PER [Office of Personnel] witnessed a demonstration of the mechanism available from the Lamb Seal and Stencil Company for use in impressing the Great Seal of the United States. The intent behind possible acquisition of this mechanism was to permit the relocation of the Great Seal to an appropriate location in the New State Building and, at the same time, provide PER a working instrument which could be located in the Presidential Appointments Unit in SA–4. All participants to the demonstration are agreed that the mechanism offered by the Lamb Seal and Stencil Company does not have sufficient depth in the throat to receive bound treaty volumes in which the Great Seal must be impressed.
>
> PER, and Mrs. Richardson particularly, are appreciative of the efforts of OGS and A [Office of the Assistant Secretary for Personnel and Administration] to arrange the relocation of the Great Seal in a place in the New State Building more appropriate to the dignity of The Seal. However, Mrs. Richardson would prefer to use the Great Seal in its new location rather than to proceed further with the search for an alternative working instrument. She advises me that the progress made to date on the processing of FSO [Foreign Service officer] appointments under the integration program [51] will permit her to so schedule her work as to make this suggestion practical. Her preference in the matter stems from the strong sense of responsibility which she feels for the Great Seal as the property of the Congress given into the custody of the Secretary of State. I am impressed with her sincerity of purpose and therefore support her suggestion.
>
> *Recommendation*
>
> I recommend that you ask Mr. Estes (1) to arrange for the prompt relocation of the Great Seal to an appropriate location in the New State Building and (2) to terminate any further efforts to procure an alternative working mechanism.[52]

Carpenter gave directions to Estes as recommended. Estes soon discussed the matter of moving the Great Seal to the New State Building for exhibit purposes with members of the staff of Carl W. McCardle,[53] Assistant Secretary of State for Public Affairs. The discussions extended to other possible exhibits about the Department and its work. It was proposed that the Great Seal and the other exhibits be placed in the general area of the lobby and mezzanines inside the 21st Street entrance of the building. McCardle gave the proposals his blessing. "These possi-

[51] A program for the transfer into the Foreign Service of many Civil Service employees of the Dept. of State.

[52] Copy in the files of the Presidential Commissions office, D.S.

[53] For a biographical sketch, see *Who Was Who in America*, V, 471.

bilities", he wrote to Carpenter on February 9, "have definite public relations value in our 'open door' policy of attracting the public to the Department of State and have my hearty concurrence." [54]

The seal was accordingly moved soon afterward to the space in the New State Building referred to as the north mezzanine—actually an open area on the second floor reached by a stairway leading up from the north end of the lobby inside the 21st Street entrance to the building. The Great Seal press, in its cabinet and cubicle, remained in this location until the completion of the Department's Exhibit Hall, on the first floor of the new part of the building, centered between the north and south open-air courts which lie straight ahead as a visitor enters the Department of State Building by the diplomatic entrance at 2201 C Street Northwest. There the press and cabinet were moved in March 1961,[55] and there they are to be seen today (1976).

Mrs. Richardson continued in charge of the Great Seal until her retirement, which took place at the close of business on Friday, April 3, 1970.[56] For a photograph of Mrs. Richardson at the seal, see illustration 56.

On the following Monday, April 6, Mrs. Bernice C. Renn, of Maryland, succeeded Mrs. Richardson as the officer immediately responsible for the Great Seal. Mrs. Renn had first been appointed in the Department of State on June 20, 1940, had served on Mrs. Richardson's staff from November 1945 until September 1954, and then had returned to the Presidential Commissions office on March 28, 1966. As chief of the staff charged—among other duties—with the preparation of Presidential commissions and certain other papers (such as letters of credence and recall) which are to pass under the Great Seal, and with the maintenance of records relating to these functions, Mrs. Renn is still (1976) the individual responsible for affixing the Great Seal of the United States on documents of state. In this function she is assisted by Miss Josephine W. Weare and Miss Sandra F. Sheshkin. For a photograph of Mrs. Renn at the seal, see illustration 57.

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[54] Copy in the files of the Presidential Commissions office, D.S.

[55] Information supplied by Mrs. Richardson and Mrs. Renn, July 15, 1976. The Great Seal was placed first in the south central area of the Exhibit Hall, but was later moved to the northwest corner of the Hall.

[56] See *D.S. News Letter*, Apr. 1970, p. 36.

The Great Seal on Public Display

With the move of the Great Seal to the Department's headquarters building, plans and preparations went forward to place the seal on public display. These plans reached a climax in a public ceremony on Friday, July 1, 1955, at 2 p.m., in the 21st Street lobby of the New State Building, when Secretary of State John Foster Dulles opened "the first public exhibit of the Seal of the United States".[57] Among the participants were Loy W. Henderson,[58] Deputy Under Secretary of State for Administration, McCardle, and representatives of the Library of Congress and the National Archives, both of which agencies had lent items for the exhibit. The seal itself had been moved from its new location on the north mezzanine adjoining the lobby into the lobby proper for the ceremony, after which it was returned to its quarters on the mezzanine.[59] For a photograph of Mrs. Richardson and Dulles taken on this occasion, see illustration 56.

The exhibit which Dulles opened included Great Seal dies no longer in use, documents impressed with the Great Seal and covering the whole range of its history, and miscellaneous items bearing reproductions of the Great Seal device. The central feature was the Great Seal press in its mahogany cabinet, on display in a new glass-enclosed cubicle designed to protect the instrument while permitting spectators to see it in operation. As part of the ceremony, Henderson, with assistance from Mrs. Richardson, affixed the Great Seal to a commission of a newly confirmed Foreign Service officer of class 6, William B. Grant,[60] of Boston, to whom Dulles then presented it.[61]

Two years later public attention was called again to the Great Seal. A brief ceremony was held at noon on September 16,

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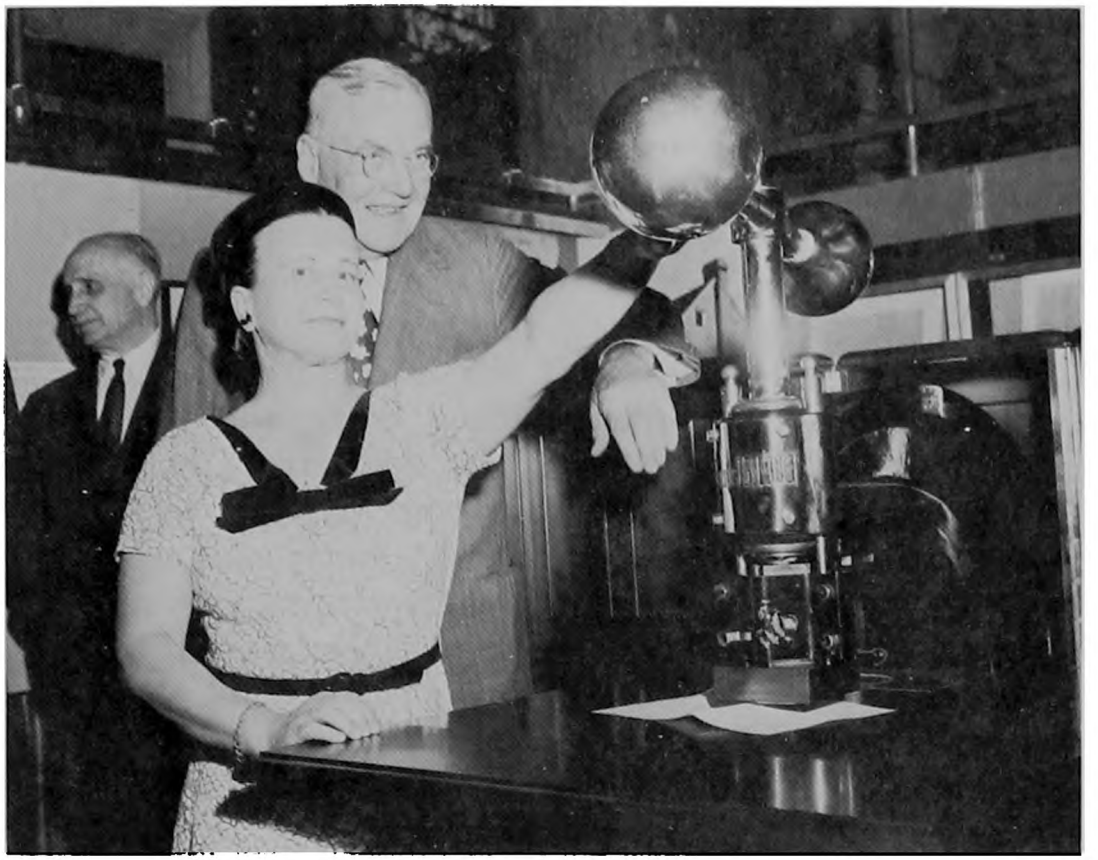
[57] The remarks drafted for Dulles to deliver on this occasion were unfortunately rephrased, presumably by a speechwriter, and historical inaccuracies were introduced. For text as delivered, see *D.S. Bulletin*, XXXIII, 94, July 18, 1955.

[58] For biographical sketches, see *Who's Who in America*, 38th ed., I, 1394; *Register D.S.*, 1960, p. 3.

[59] Information supplied by Mrs. Richardson, July 15, 1976; by Mr. Keiper, Aug. 6, 1976; and by Mr. Graninger, Dec. 5, 1976.

[60] For a biographical sketch, see *Register D.S.*, 1974, p. 129.

[61] U.S. Dept. of State, Press Release No. 407, June 30, 1955, "Opening of Public Exhibit of the Seal of the United States", in the files of the Office of Press Relations, D.S.



56. Clydia Mae Richardson, With Secretary of State Dulles



57. Bernice C. Renn

1957, to mark the 175th anniversary of the earliest known use of the seal.[62] The ceremony took place in the north mezzanine adjoining the 21st Street lobby of the New State Building, where the press and cabinet were still located. G. Bernard Noble,[63] Chief of the Department's Historical Division, introduced Acting Secretary of State Robert D. Murphy,[64] who, after informal remarks, with the assistance of Mrs. Richardson and under the eye of television and newsreel cameras, affixed the Great Seal to four documents that had previously been signed by President Dwight D. Eisenhower. The documents were a treaty ratification, a commission, an exequatur, and a proclamation.[65]

Ever since their removal to the Department's Exhibit Hall, noted above, the Great Seal press and cabinet have remained on public display in the Department of State Building, inside a glass-enclosed cubicle. The cubicle now used is octagonal in shape, each of its sides measuring 3 feet 5 inches in width and consisting of wood panels 3 feet high surmounted by glass 18 inches high. One of the eight sides is hinged to serve as a door. As one stands in front of the press—although it is operated from the side—the door is to the left and an American flag to the right.

The Great Seal exhibit of 1955 was remounted in the Exhibit Hall when the Great Seal was moved there. It has long since been dismantled, but a smaller exhibit on the subject was mounted early in 1970 [66] and now occupies space behind the cubicle.

Despite more than seventy-two years of almost daily use, the die, press, and cabinet of 1904 remain in excellent condition and appear able to provide decades of further service. It may be necessary soon, however, to repair or replace the counter-die now installed in the press, as current (1976) impressions from the Great Seal die are not sharp and clear.

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[62] See Chapter VII, p. 128.

[63] For biographical sketches, see *Who Was Who in America*, V, 534; *Register D.S.*, 1961–1962, p. 523.

[64] For biographical sketches, see *Who's Who in America*, 38th ed., II, 2242; *Register D.S.*, 1959, p. 2.

[65] *D.S. Bulletin*, XXXVII, 587–588, Oct. 7, 1957.

[66] *D.S. News Letter*, June 1970, p. 35.

Chapter XIV

THE GREAT SEAL IN USE SINCE 1789

This chapter examines two aspects of the "use" of the Great Seal. The first has to do with the physical or mechanical ways and means whereby an impression from the die was and is affixed to a document. The second has to do with the types or kinds of documents to which the Great Seal has from time to time been affixed.

Mechanics of Affixing the Great Seal

So far as known, all the presses used for affixing the Great Seal from 1782 to the present have been of the screw-action type. This is certainly true for the years since 1820, and almost certainly so for the whole of the earlier period. As mentioned in Chapter VII, an item in an old account book discloses that in that year the Great Seal press was a screw press; and there is a reference to such a press in the Department of State in 1792.[1]

Sealing now and for many years past has ordinarily been done with presses that include a die and a counter-die or matrix. The die, having the seal design cut into it, is forced against the counter-die, bearing the identical design, reversed and in relief, to produce on the document an embossed impression.

In 1782, however, the use of a counter-die in a seal press was unknown, and the earliest Great Seal press or presses were therefore not provided with a counter-die and the method or process of affixing the Great Seal in those days differed somewhat from the way it is done today. Accordingly, the story of the mechanics of affixing the Great Seal divides into two periods, that of its use

[1] Cash Book, 1785–1795, under date Mar. 14, 1792, Accounts Records, D.S., R.G. 59, entry 230, N.A. Jefferson, *Papers* (Boyd, ed.), XVII, 368.

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without a counter-die, which lasted until 1866, and that of its use with a counter-die, which began then and has continued to the present.

Use Without a Counter-Die, Before 1866

Since no Great Seal press of the early period, or any picture or description of one, has survived, it becomes necessary to try to reconstruct the appearance, characteristics, and manner of use of such a press from bits of information gleaned mostly from the old accounts records of the Department of State.

A press that had no counter-die would have had beneath the die, which was driven up and down by the vertical screw, a level table or block to support the document or at least that portion of it on which the seal was to be impressed. It appears that, at times at least, this block or "cushion" was of lignum vitae—the extremely hard, heavy wood of a tropical American tree—bound with a ring of iron and covered with leather.[2]

A distinctive element in the affixing of the Great Seal—or any other seal—without the use of a counter-die was the "wafer". In the period from 1782 to 1866 the Great Seal wafer was not the circle of white paper that is known as a seal wafer today. Instead, it was a thin disk of red adhesive. Wafers in this sense were then a standard item in stationery establishments. Small ones were used for fastening papers together before the days of paper clips or for closing letters before the days of envelopes. Larger ones in a variety of diameters served to accommodate seals of various sizes. The Department bought them in quantity in different sizes. Such wafers were usually made of thin paste of very fine flour, or sometimes of gelatin, with coloring added, and were baked between "wafer irons" until dry and brittle and the flour starch partly transformed into an adhesive dextrin; steel punches were then used to cut them into disks of the desired size.[3]

The paper disk that is now called the wafer was then called the "seal paper". So far as has been observed, from 1782 to the present, the seal paper has always been of white or cream-colored

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[2] Contingent Expenses, Day Book, 1798–1820, p. 66, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[3] *Encyclopædia Britannica*, 11th ed., XXVIII, 228–229.

paper. Between 1793 and 1820, and almost certainly both earlier and later, the Department made its own seal papers. For doing so, it kept on hand certain equipment. This consisted of a "block" on which to cut the seal papers; a mallet, with which to pound the cutting tool; and the cutting tool itself. Although no description of this tool has been found, in 1793 the Department paid about $4 for one. The tool is variously referred to as the "Iron for cutting Seal papers", the "chissel for cutting Seal Papers", and the "iron stamps for large seals". The tool required sharpening from time to time, evidently a somewhat specialized job; on October 28, 1819, the Department paid one Robert Harrison $2.50 for "sharping" three of them.[4]

Through the whole period of use of the Great Seal without a counter-die, the seal paper was always circular and about 3 inches in diameter, more or less, with a serrated or saw-toothed edge. Although through the years these saw teeth varied a little in size, they often measured from 3/16 to 1/4 of an inch in length and width. For a picture showing a Great Seal impression on this type of seal paper, see illustration 21.

One deduces that the affixing of the Great Seal in this period was done in the following steps: The wafer or disk of red adhesive was moistened and placed in the proper position on the document (and over the loose ends of the ribbons binding a multiple-page document); the seal paper was carefully centered on the wafer; and the whole was then put on the seal press cushion and centered under the die. A quick swing of the dumbbell handle drove the die down on seal paper, wafer, and document, impressing the device. The cushion immediately caused the die to rebound a little, leaving the impression free to dry and harden.

The Great Seal in the early years, affixed in this fashion, was employed much more often than one might suppose. Although no count of the impressions made has been preserved, various records reflect indirectly the frequency of its use. One such record is that of the purchase of Great Seal wafers, the figures for which are available for certain early periods. While it is not always clear whether "large wafers" meant wafers for the Great Seal or for

[4] Cash Book, 1785–1795, under date Dec. 31, 1793. Jefferson, *Papers* (Boyd, ed.), XVII, 375. Contingent Expenses, Day Book, 1798–1820, pp. 36, 48, 75, 83, 104, 149, 242, 338.

the Department seal,[5] it appears that in the five years between January 1, 1790, and February 5, 1795, the Department bought as many as 6,400, and perhaps as many as 9,400 wafers for use with the Great Seal.[6] Furthermore, between February 1, 1798, and July 1, 1809, the Department bought at least 60,100 large wafers.[7] Even allowing some of these for use with the Department seal, the Great Seal was obviously in constant service.

From the time of the Department's arrival in Washington in 1800 until sometime after 1820, it had in its employ as messenger John (or Johann) Peter Maul. Among Maul's numerous and various duties was that of "cutting and folding" Mediterranean passports and delivering them to the Treasury Department, for which he received $1.50 a hundred. Another duty was that of "preparing and delivering sea letters at the Treasury". At times the record specifies that these tasks included "sealing" the documents, which would mean affixing the Great Seal. If the duty sometimes included sealing, it probably did so at all times that Maul prepared and delivered these documents. The earliest record that has been noticed of Maul's service in this respect is dated February 13, 1804, and the latest—at the end of the record book—July 26, 1820. On this last date the Department paid Maul, for "preparing sea letters and washing towels", the sum of $253.[8]

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[5] On July 11, 1835, the Department paid $6 for 3,000 "large seal wafers (Dept. seal)"; and for 2,000 "Wafers (seal U.S.)" it paid $12. Day Book, 1833–1839, p. 145, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[6] Cash Book, 1785–1795, under dates July 1 and Aug. 6, 1791, Apr. 4, Oct. 18, and Dec. 31, 1793, and June 13 and Aug. 28, 1794. Jefferson, *Papers* (Boyd, ed.), XVII, 365, 366, 372, 374, 375.

[7] Contingent Expenses, Day Book, 1798–1820, pp. 11, 19, 24, 28, 33, 39, 47, 60, 73, 110, 121, 151, 168, 172, 188, 191, 194, 215, 218, 224, 229, 235, 236, 241, 270, 274–275, 280–281.

[8] *Ibid.*, pp. 84, 166, 179, 235, 242, 255, 259, 263, 271, 277, 280, 282, 289, 296, 301, 316, 329, 346. For the last quarter of 1815, John P. Maul was paid $75 for sealing and delivering sea letters at the Treasury; for each quarter in 1816 he was paid $45 for this work, indicating that he was paid a fixed amount per quarter for sea letters, rather than so much a piece, but that the quarterly payment was adjusted from time to time. In the period from the end of the War of 1812 to about the end of 1816, Maul was paid $25.57 for "Sealing and Cutting the tops off 1705 Mediterranean passports" and delivering them to Edward Jones at the Treasury. First Auditor's Account No. 34050, vouchers 21, 57, 119, 185, General Accounting Office Records, R.G. 217, N.A. Assistant messengers James Waring and Benedict Maul were paid $1.50 per hundred in 1818 and 1819 for cutting off, sealing, and delivering Mediterranean passports. Fifth Auditor's Accounts Nos. 691 (voucher 745) and 917 (voucher of Oct. 16, 1819), *ibid.*

Later sections of this chapter deal with the types of documents, among them sea letters and Mediterranean passports, so much in demand in the early years that they caused the Great Seal machinery to operate on a mass production basis. For a number of years, in the 1790's and early 1800's, the Great Seal press, and the persons who operated it and performed the related work, were kept busy. With the gradual elimination or transfer to other seals of some of the kinds of documents that originally passed under the Great Seal, a substantial reduction eventually took place in the number of impressions required.

Meanwhile, except for the Throop die, which replaced the die of 1782 in 1841, and the Inca press, obtained in the 1850's or 1860's, the machinery for affixing the Great Seal remained basically unchanged until shortly after the Civil War. Then, as noted in Chapter IX, a crude counter-die was put into use with the Throop die. Although no written record of the date of this innovation has been found, it is marked with some precision in the files—arranged chronologically—of original Presidential proclamations. Proclamations to and including one dated February 12, 1866, bear impressions of the Great Seal with the red adhesive wafer and without the mark of the counter-die. Subsequent proclamations, the earliest of which is dated March 26, 1866, bear impressions that lack the red adhesive and show use of the counter-die.[9] Thus the counter-die dates from February or March 1866.

Use With a Counter-Die, Since 1866

The counter-die of 1866 has been preserved, as mentioned in Chapter IX (see illustration 58). Its appearance, and the appearance of impressions made with it, suggest that it was inserted in a seal press that had previously been in use without a counter-die. It remained in service with the Throop die of 1841 until both were replaced by the Baumgarten die, counter-die, and press, in 1877. The Baumgarten equipment was superseded by the Tiffany die, counter-die, and press, in 1885; and the Tiffany equipment was in turn superseded in 1904 by the Zeitler die, the counter-dies prepared by the United States Mint at Philadelphia, and the R. Hoe & Company press.

[9] Proclamations, 1865–1868, folios 150, 151, R.G. 11, N.A.

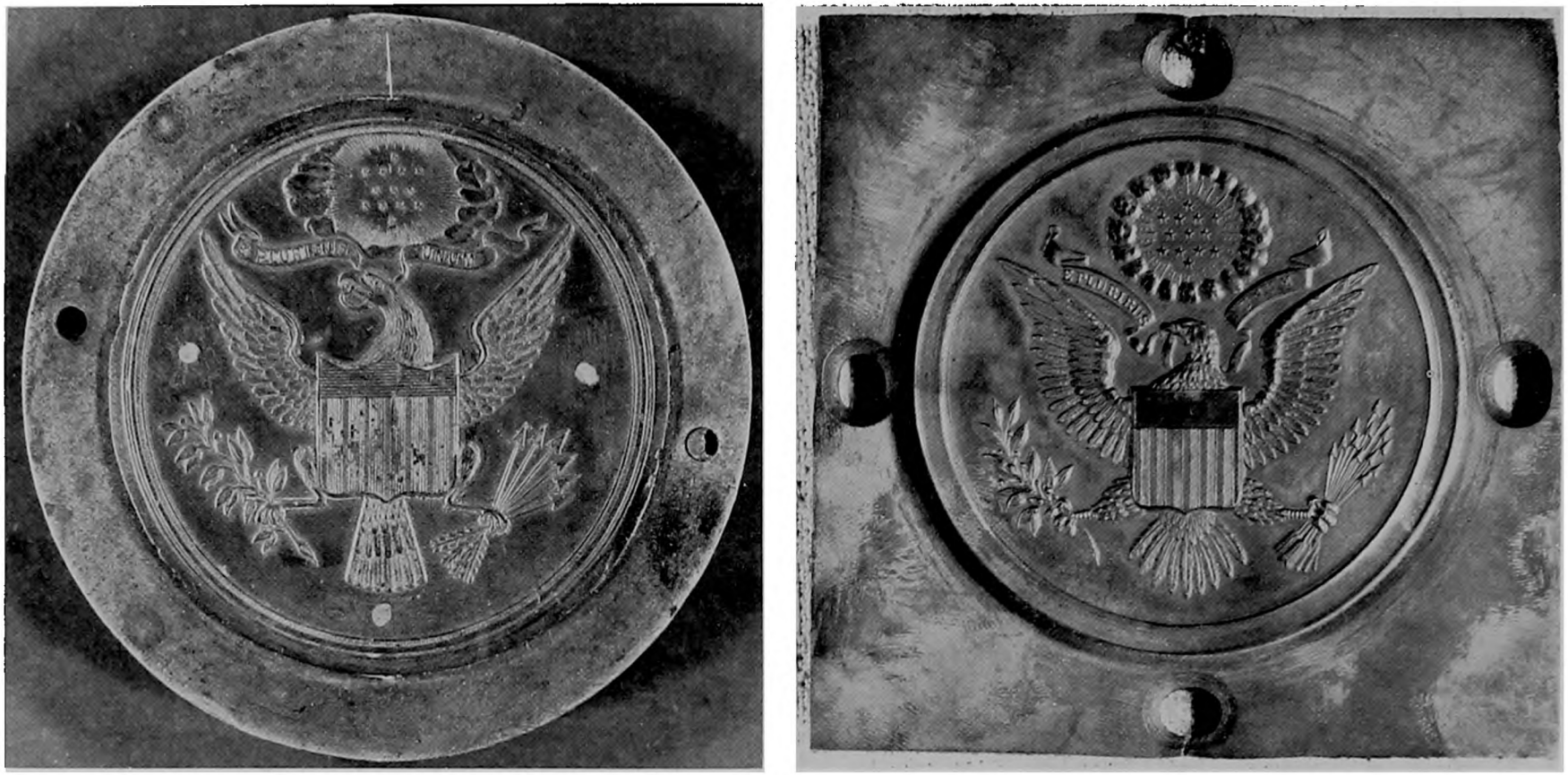
Introduction of the counter-die necessitated some changes in the process of affixing the Great Seal. In the first place, it eliminated the need for the adhesive wafer. Instead, glue, paste, mucilage, or some similar substance served to fasten the seal paper to the appropriate place on the page of the document. The seal paper—which by 1885 was itself being called the wafer[10]—was then carefully centered over the counter-die and under the die, with only the page bearing the paper wafer between the two. Then a quick turn of the dumbbell handle of the press drove the die down onto the paper wafer and the page of the document and against the counter-die, which punched the seal design into relief or embossment. In general, this has been the manner of affixing the Great Seal from 1866 to the present.

The earliest impressions with the counter-die were made on paper wafers identical with those used previously. These were of white, dull finish stock, the edges of which were cut with ¼-inch saw teeth. Shortly thereafter, however, the wafers were of glossy stock cut with 3/16-inch saw teeth. The glossy wafers continued in use until about February 1880, when the earlier, dull finish kind with ¼-inch teeth replaced them. The differences in the size of the saw teeth suggest that the Department had ceased to cut its own paper wafers and now purchased them ready made.

Further examination of the files of Presidential proclamations shows that, commencing with a proclamation dated April 7, 1885, which was sealed with the Baumgarten die of 1877, Great Seal impressions were made directly on the page of the document, without the paper wafer, through December 30, 1887, except for one dated October 25, 1887, which has the wafer. Thus for more than two years the Tiffany die, which was put into service on April 21, 1885, seems to have been used without the paper wafer. Incidentally, this manner of affixing seals had been authorized and legalized by act of Congress approved May 31, 1854, although it could not, of course, have been used for the Great Seal until a counter-die existed. The statute reads:

> . . . in all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith

[10] *Daily Graphic*, May 14, 1885, p. 591, last paragraph.



58. Counter-Dies Prepared in 1866 (*left*) and 1903 (*right*)

directly on the paper to which the seal is necessary, which shall be as valid as if made on wax or other adhesive substance.[11]

Commencing in January 1888 a new style wafer was used on Presidential proclamations, with only rare omissions, until 1967, when affixing the seal to most such documents ceased. It has been used with similar consistency on all other documents sealed with the Great Seal to the present time. This larger paper wafer, of white, dull finish stock, measures about 3¾ inches in diameter and has a scalloped or invected edge, the arcs of which are about ¼ of an inch wide. For pictures of Great Seal impressions on this type of wafer, see illustrations 45 and 49.

In brief, then, the saw-toothed paper wafer was used consistently from 1782 to 1885 with each of the three smaller Great Seal dies; and the scalloped paper wafer has been used from late 1887 or early 1888 to the present time with each of the two 3-inch Great Seal dies. Within recent decades almost every impression of the Great Seal has been made on a paper wafer. Only on rare occasions, particularly in the case of a thick binder or a lack of space on the page, where it becomes difficult to impress the seal on a wafer, is it done directly on the page of the document, without the wafer.

In the case of ceremonial letters, including letters of credence and recall, the envelope enclosing the document has the paper wafer seal attached to it. Here the wafer is first impressed with the Great Seal and then glued to the envelope, leaving the envelope itself unmarked.

When a document that is to take the Great Seal consists of two or more sheets of paper—usually four or more pages—the sheets are bound together with ribbons, the loose ends of which run under the paper wafer. Documents of this bulk are now usually treaties; and for many years it has been customary to use tricolored ribbon (red, white, and blue) on the instruments of ratification and on proclamations of treaties. Before 1967, when proclamations other than those of treaties passed under the Great Seal, their ribbons had for years been pale blue. In still earlier times the ribbons of such proclamations were variously light blue, deep blue, green, or red. The colors of the ribbons

[11] 10 Stat. 297. 1 U.S. Code 114.

have no significance, except that red, white, and blue, of course, are the national colors.

Today the steps in the process of affixing the Great Seal are as follows. First, a blank paper wafer is pasted in the space provided for it to the left of the document's dating clause. If ribbons are used in binding the document, their loose ends run under the paper wafer and are pasted fast. Second, the operator of the press inserts the document to be sealed between the counter-die and the die with the wafer carefully centered on each. Then the operator, holding the document in place with her left hand, swings the dumbbell handle sharply with her right, driving the die down onto the wafer, document, and counter-die, which punches up the device in relief. A recoil mechanism built into the present press immediately raises the die, releasing the document and permitting its removal.

Currently the Department of State purchases the scalloped wafers in quantities of 5,000. It has them cut according to a sample from off-white linen stock, 3¾ inches in diameter. White glue is used to affix the wafer to the document.[12]

Basic Authority for Use of the Great Seal

The underlying authority for the custody and use of the Great Seal is the act of Congress approved September 15, 1789, the pertinent sections of which are quoted and cited in Chapter VII. On the use of the Great Seal, section 4 of the act specified that the Secretary of State "shall affix the said seal to all civil commissions, to officers of the United States, to be appointed by the President", but that "the said seal shall not be affixed to any commission, before the same shall have been signed by the President . . . nor to any other instrument or act, without the special warrant of the President therefor".

The statute thus distinguished between two general classes of documents to be sealed with the Great Seal: (1) civil commissions, to which the seal was to be affixed only after they had been signed by the President; and (2) "any other instrument or act",

[12] Letter to the author, Sept. 2, 1976, from Mrs. Bernice C. Renn, Chief, Presidential Commissions, Dept. of State.

to which the seal was to be affixed only after the President had issued a "special warrant" directing the Secretary of State to seal the particular document.

In discussing the use of the Great Seal in subsequent sections of this chapter, it will be necessary to take this distinction into account.

Earliest Use Under the Act of 1789

Earliest use of the Great Seal under the act of September 15, 1789, has been touched on in Chapter VII. It was first used on September 9, 1789, when passage of the act appeared certain, on the original and duplicate instrument of ratification of the consular convention of November 14, 1788, with France. On September 12, 1789, various commissions were "made out under the Seal of the United States, and sent to the President". On October 9 a ceremonial letter to the King of France was made out, signed by the President, and sealed with the Great Seal. On November 28 commissions were made out under the Great Seal and left at the President's house. On December 1 a ceremonial letter to the Emperor of Morocco was signed by the President and sealed with the Great Seal. On the same day "Mr. Jay prepared a Form of a Sea-Letter, which he sent to the President for his Approbation and Signature; and upon its being approved of and signed, it was sealed with the Seal of the United States". On December 10 Jay had another sea letter made out "in the usual Form". On February 10, 1790, "Agreeably to the request of the President, Mr. Jay caused Commissions to be made out under the Seal of the United States . . . which were left at the Presidents". It appears from these items that in this early period, although documents other than commissions were first signed by the President and then sealed, commissions were sealed before Washington signed them.[13]

A volume of the papers of the Continental Congress known as the "Memorandum Book", the contents of which span the years from 1785 through 1795, includes, among various other matters, a record of papers that then "passed the Great Seal".

[13] Papers Cont. Cong., item 127, folios 189, 195–196, 202, 203, 204, 212. This record is in the handwriting of Henry Remsen, Jr. For text of the treaty with France, see Miller, ed., *Treaties*, II, 228. For texts of the two ceremonial letters referred to, see Credences, I, 1, 3–4, D.S., R.G. 59, entry 33, N.A.

The handwriting discloses that this record was kept first by Roger Alden through July 22, 1790 (folios 1–80), then by Henry Remsen, Jr., through March 9, 1792 (folios 80–127), and last by George Taylor, Jr.,[14] through December 30, 1795 (folios 128–217). This volume, together with that cited for the preceding paragraph, would seem to comprise a nearly complete record of the affixing of the Great Seal for the period from the beginning of government under the Constitution through the year 1795. Besides a substantial number of civil commissions, both domestic and diplomatic and consular, this volume shows the Great Seal affixed to the following types of documents (the number of each type is given in parentheses):

Approvals or ratifications of treaties with Indian tribes (5).[15]
Patents for lands (4).[16]
Ratifications of loans involving the Bank of the United States (2).[17]
Presidential pardons (9).[18]
Full powers to the Secretary of the Treasury to borrow money (2).[19]
Exequaturs (34).[20]
Presidential proclamations other than those of treaties (8).[21]
Letters of credence (5) and recall (2).[22]
Ratification of a loan from the Netherlands (1).[23]
"Protections" for Indian nations (8).[24]
Revocations of exequaturs (2).[25]
Full powers to diplomatic officers (8).[26]
Ceremonial letter to the Emperor of Morocco (1).[27]
Respites (reprieves of death sentence) (2).[28]
Ratification of the Jay Treaty with Great Britain (1).[29]

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[14] With regard to Alden, Remsen, and Taylor, see Chapter VII.
[15] Papers Cont. Cong., item 187, folios 131, 194, 216.
[16] *Ibid.*, folios 133, 206.
[17] *Ibid.*, folios 135, 158.
[18] *Ibid.*, folios 135, 158, 174, 181, 187, 206, 212.
[19] *Ibid.*, folios 135, 182.
[20] *Ibid.*, folios 136, 138, 156, 157, 158, 159, 163, 165, 167, 168, 170, 182, 192, 196, 203, 207, 209.
[21] *Ibid.*, folios 137, 142, 155, 168, 172, 187, 192, 210.
[22] *Ibid.*, folios 139, 175, 176, 184 for letters of credence; folios 176, 184 for letters of recall.
[23] *Ibid.*, folio 140.
[24] *Ibid.*, folios 156, 184.
[25] *Ibid.*, folios 161, 211.
[26] *Ibid.*, folios 175, 189, 193.
[27] *Ibid.*, folio 193.
[28] *Ibid.*, folio 206.
[29] *Ibid.*, folio 210.

Among other things, this record shows that, although the Great Seal was usually affixed on the day of the document's date, this was by no means always the case; the sealing might take place anywhere from one day to two weeks later. This is still true today (1976)—indeed, sealing on the date of signature is now unusual.

Two items in the record would seem to represent violations of the provisions of the act of September 15, 1789. The first, dated June 2, 1792, reads: "This day the Great Seal was affixed to 3 Blank pieces of parchment and sent to M[r] Jefferson." The second, dated July 3, 1792, reads: "This day the Great Seal was affixed to a Blank commission for an attorney of Maryland District—and sent to the Presid[t]" [30]

Use on Civil Commissions

As already noted, section 4 of the act of September 15, 1789, required the Secretary of State to affix the Great Seal "to all civil commissions, to officers of the United States, to be appointed by the President", but with the proviso that the seal was not to be "affixed to any commission" before it had been signed by the President.

This left only the commissions of Army and Navy officers to issue under other seals. And setting up the Judiciary and the Executive branch under the Constitution required the commissioning of many officers to domestic positions, not to mention diplomatic and consular posts. While the number of such commissions was not so large as the number of documents of some other types (yet to be mentioned) that passed under the Great Seal in this early period, they nevertheless accounted for a substantial number of Great Seal impressions. Some clues as to the number are provided by records of the purchase of printed commission forms. For example, on July 30, 1790, the Department of State paid for "fifty blank commissions or warrants for the officers of the customs"; on June 28, 1791, for "seventy heads to blank parchment commissions" and "twenty two quires [528] of blank commissions for officers of the customs and revenue"; on July 25,

[30] Papers Cont. Cong., item 187, folios 134, 136.

1791, "for printing 150 blank commissions or warrants for officers of the customs"; on July 18, 1792, for "8 quires [192] demy blank commissions"; and on June 28, 1793, for "5 quires [120] blank commissions".[31] According to these figures, the average number of commissions sealed each year would have been about 370.

The record then skips to 1798. On August 11 of that year the Department paid for "printing 150 blank Commissions"; on April 5, 1799, for 200 commissions bought December 4, 1798, and 200 more bought February 4, 1799; on January 5, 1804, for 1,000 commissions; and on December 24, 1805, for 100 commissions on parchment.[32] According to these figures, the average number of commissions sealed each year would have been about 220.

The preparing, sealing, and recording of commissions placed an ever growing burden on the Department of State as the Federal Government expanded. This burden, imposed by statute, was eventually eased by statute. The earliest such relief that has been noticed was written into "An Act to limit the term of office of certain officers therein named, and for other purposes", which was approved May 15, 1820. Section 4 reads as follows:

> . . . That the commissions of all officers employed in levying or collecting the public revenue shall be made out and recorded in the Treasury Department, and the seal of the said department affixed thereto; any law to the contrary notwithstanding; *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.[33]

Use of the Great Seal on commissions was further curtailed from time to time as successive statutes transferred responsibility for preparing, sealing, and recording certain civil commissions from the Department of State to the departments that had jurisdiction over the appointees. An act of Congress of March 18, 1874, directed that the commissions of postmasters be made out under the seal of the Post Office Department. Section 14 of an act of March 3, 1875, directed that the commissions of officers of the Department of the Interior be made out under the seal of that department. An act of August 8, 1888, directed that

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[31] Cash Book, 1785–1795.
[32] Contingent Expenses, Day Book, 1798–1820, pp. 18, 38, 165, 208.
[33] 3 Stat. 582.

the commissions of all judicial officers, including United States marshals and attorneys, be made out under the seal of the Department of Justice. An act of March 28, 1896, directed that the commissions of officers of the Departments of the Treasury, War, Navy, and Agriculture be made out under the seals of those respective departments. An act of March 3, 1905, directed that the commissions of officers of the Post Office and Commerce and Labor Departments be made out under the seals of those departments.[34]

These and perhaps some other curtailments of the use of the Great Seal on civil commissions are accumulated in the following passage quoted from title 5, section 2902, of the United States Code:

> (b) The commission of an officer in the civil service or uniformed services under the control of the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be affixed to the commission before the commission has been signed by the President.
>
> (c) The commissions of judicial officers and United States attorneys and marshals, appointed by the President, by and with the advice and consent of the Senate, and other commissions which before August 8, 1888, were prepared at the Department of State on the requisition of the Attorney General, shall be made out and recorded in the Department of Justice under the seal of that department and countersigned by the Attorney General. The departmental seal may not be affixed to the commission before the commission has been signed by the President. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 411.)

In recent years the Department of State has moved to curtail drastically the number of civil commissions issued under the Great Seal to Foreign Service officers. Formerly, a Foreign Service officer received his or her first commission as an officer of a given class and then was issued a new commission upon promotion to each higher class. In addition, most officers received separate commissions (referred to as "designations") as secretaries in the Diplomatic Service and as vice consuls, and some were later commissioned to be consuls and consuls general. This practice,

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[34] 18 Stat. 23, 420. 25 Stat. 387. 29 Stat. 75. 33 Stat. 990.

in the case of an officer with a long and successful career, resulted in the issuance of about a dozen separate commissions, each of which carried the President's signature, the countersignature of the Secretary or Acting Secretary of State, and the Great Seal. Now a new Foreign Service officer is given a single commission under the Great Seal as a Foreign Service officer (with no reference to a particular class), a secretary in the Diplomatic Service, and a consular officer, and no further appointment commission is issued unless the officer is promoted to the class of Career Minister or Career Ambassador or is appointed to serve as Ambassador to a particular country. In lieu of individual appointment commissions for each Foreign Service officer promoted from one class to another up to and including class 1, the practice since December 7, 1967, has been for the President to sign a single master commission or "mother commission" covering all promotions on each "promotion list" approved by the Senate. Under these master commissions, which are countersigned by the Secretary or Acting Secretary of State and impressed with the Great Seal, the Department of State issues personnel actions effecting the individual promotions. If a master commission also includes actions normally calling for the issuance of individual commissions, such commissions are issued in the President's name without further reference to the White House. The following directive from Secretary of State Dean Rusk to the Acting Deputy Under Secretary of State for Administration, dated October 7, 1968, shows the mechanics of implementing a master commission signed three days earlier by President Lyndon B. Johnson:

> In conformity with the President's direction under date of October 4, 1968, you are hereby directed to notify each officer named on the attached list of his appointment and commissioning by issuance of an appropriate personnel action and where indicated to issue formal commissions in the name of the President and countersigned by me.

The issuance of diplomatic and consular commissions to Foreign Service Information officers, Foreign Service Reserve officers, and Foreign Service Staff officers has likewise been simplified and the number of commissions issued to individuals in these personnel categories has also been reduced.

Consular officers also formerly received, as a matter of course, a series of assignment commissions under the Great Seal, each commission designating an individual to serve in a specific capacity at a specific post, such as Consul at Winnipeg. With a growing tendency among many countries to simplify the procedures for consular recognition (discussed later in this chapter in connection with the elimination of exequaturs sealed with the Great Seal), the United States now issues assignment commissions under the Great Seal only if the country in which a consular officer is to serve insists upon such a commission as a condition to consular recognition.[35]

Civil commissions for diplomatic officers have also been affected by changes in diplomatic practice with respect to the rank of American diplomatic representatives abroad. These changes will be discussed later in this chapter in connection with the preparation of letters of credence and recall for Ministers and other representatives beneath the rank of Ambassador.

The Supreme Court Discusses the Signing and Sealing of Civil Commissions

In 1803, in the landmark case of *Marbury* v. *Madison*, the United States Supreme Court, with Chief Justice John Marshall speaking, discussed the signing and sealing of civil commissions:

> The signature [of the President] is a warrant for affixing the great seal to the commission; and the great seal is only to be affixed to an instrument which is complete. It attests, by an act supposed to be of public notoriety, the verity of the presidential signature.
>
> It is never to be affixed till the commission is signed, because the signature, which gives force and effect to the commission, is conclusive evidence that the appointment is made.

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[35] Information supplied by Mrs. Renn, July 20, 1976. The earliest master commissions and the Rusk directive quoted above are in Authorization Lists, D.S., R.G. 59, entry 345, N.A. Concerning authorization lists and the issuance of commissions in the name of the President, see Chapter XX, p. 545. For photocopies of three separate commissions issued under the old system on Sept. 30, 1955, to William O. Baxter—an appointment commission as a Foreign Service officer of class two and designations as a secretary in the Diplomatic Service and as a consul—see Barnes and Morgan, *Foreign Service of the U.S.*, pp. 361–363.

> The commission being signed, the subsequent duty of the secretary of state is prescribed by law, and not to be guided by the will of the president. He is to affix the seal of the United States to the commission, and is to record it.[36]
>
> This is not a proceeding which may be varied, if the judgment of the executive shall suggest one more eligible; but is a precise course accurately marked out by law, and is to be strictly pursued. It is the duty of the secretary of state to conform to the law, and in this he is an officer of the United States, bound to obey the laws. He acts, in this respect, as has been very properly stated at the bar, under the authority of law, and not by the instructions of the president. It is a ministerial act which the law enjoins on a particular officer for a particular purpose.
>
> If it should be supposed, that the solemnity of affixing the seal is necessary not only to the validity of the commission, but even to the completion of an appointment, still when the seal is affixed the appointment is made, and the commission is valid. . . .
>
> . . . . . .
>
> It is, therefore, decidedly the opinion of the court, that when a commission has been signed by the president, the appointment is made; and that the commission is complete when the seal of the United States has been affixed to it by the secretary of state.[37]

Use on Other Instruments and the Special Warrant

While section 4 of the act of September 15, 1789, specified only the President's signature on a civil commission as authorization to the Secretary of State to affix the Great Seal, it required a special warrant signed by the President, in addition to his signature on the document, before the Secretary could affix the seal to "any other instrument or act".

Accordingly, the President used special warrants from 1789 to 1952 to authorize and direct the Secretary of State to cause the Great Seal to be affixed to documents other than commissions.

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[36] There have nevertheless been occasions on which the Great Seal has not been affixed to commissions signed by the President. The most recent such occasion known to the coauthor occurred when a commission signed by President Truman, during a recess of the Senate, appointing O. Max Gardner, of N.C., to be Ambassador to Great Britain, was returned to the President by the Acting Secretary of State, unsealed and without countersignature, on Dec. 6, 1946, Gardner having declined a recess commission. Dougall and Chapman, *U.S. Chiefs of Mission*, p. 161*n*.

[37] 1 Cranch 158–159, 162.

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The form of the special warrant remained substantially unchanged from the beginning until its most recent use. Gaillard Hunt, who was writing at a time when the early warrants were still in existence, prints the blank form of one.[38] The earliest special warrant now to be found among the Department's records in the National Archives—on a form that was filled in—reads as follows:

> I hereby authorize and direct the Secretary of State to affix the Seal of the United States to a warrant for the extradition of William Riley,[39] dated this day, and signed by me: and for so doing this shall be his warrant.
>
> R. B. HAYES
>
> Washington, 22nd August, 1878.[40]

The last warrant for affixing the Great Seal, likewise a filled-in form, reads:

> The White House,
> Washington, April 18, 1952
>
> I hereby authorize and direct the Secretary of State to cause the Seal of the United States to be affixed to my ratification, in duplicate, of two modifications, one proposed by the Government of Canada and the other by the Government of Australia, of Annex II of the International Load Line Convention signed at London on July 5, 1930, dated this day, and signed by me; and for so doing this shall be his warrant.
>
> HARRY S TRUMAN [41]

Percy F. Allen told the story, which was retold to the author in March 1942, of the destruction of the files of special warrants dated prior to 1878. By the twentieth century the accumulation of these warrants, which dated from 1789, took up more space in

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[38] Hunt, *Dept. of State*, p. 258.

[39] The document to be sealed was a warrant to Cornelius Markham to receive Riley from the Canadian authorities and to convey him to the appropriate authorities of New York. Warrants of Arrest and Extradition, 1868–1886, pp. 285–286, D.S., R.G. 59, entry 579, N.A.

[40] Warrants for Affixing the Seal, D.S., R.G. 59, entry 854, N.A.

[41] *Ibid.* This warrant bears the initials of Secretary of State Dean Acheson in the lower right-hand corner and, in the lower left-hand corner, the notation "Sealed 4–21–52" in the handwriting of Miss Stella Makara, who was then attached to the staff of Mrs. Clydia M. Richardson and was one of those responsible for affixing the Great Seal to documents of state (see Chapter XIII). For texts of the modifications being ratified, see 10 U.S. Treaties (2) 1271–1273; 11 U.S. Treaties (2) 1992–1993. For text of the international load line convention of 1930, see Bevans, ed., *Treaties*, II, 1076–1150.

the Bureau of Appointments than they were thought to be worth. Miles M. Shand, who was Chief of the Bureau from 1908 to 1924, sought and obtained authorization—which would seem to have been required from the President—to destroy these papers as of no further use or value. Allen recalled that they were taken into the south courtyard of the then State, War, and Navy Building, piled in a heap, and burned. Clerks and others gathered round, and some of them snipped signatures or carried off some of the warrants as souvenirs.[42]

It was longstanding practice for the President to issue no special warrant for the sealing of exequaturs.[43] In this respect they were placed in practice in the same class with civil commissions. How this exception to the provisions of the act of September 15, 1789, came about remains unexplained. Lacking the files of early warrants, it is not possible to say how far back the practice extended. If there is any statutory basis for the exception, it has not been found. In the files of warrants since 1878, none for the sealing of an exequatur has been noticed.

With the exception of these two types of documents only, namely, civil commissions and exequaturs, the Presidents formerly issued special warrants for the sealing of all documents that passed under the Great Seal. These included the various types of documents that were used in times past but no longer; the types of documents that did and still do pass under the Great Seal by long-established custom; and certain rare, exceptional, and one-of-a-kind documents.

With a view to reducing the President's workload, the Bureau of the Budget in 1951 initiated discussions that resulted in Executive Order No. 10347 of April 18, 1952. This order, signed by President Truman and entitled "Providing for the Affixing of the Seal of the United States to Certain Presidential Documents", dispensed with the use of the special warrant in connection with the sealing of certain specified types of documents. The text of the order follows:

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[42] Memorandum of a telephone conversation with Miss Julia M. Bland (now Mrs. Kieran J. Carroll), of the National Archives, Mar. 24, 1942, in the author's files. Concerning Allen and Shand, see Chapter XIII.

[43] See U.S. Dept. of State, *History of the Dept. of State*, p. 86; U.S. National Archives, *Preliminary Inventory of the General Records of the Dept. of State*, p. 187.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (section 10, Public Law 248, approved October 31, 1951, 65 Stat. 713), [44] and as President of the United States, I hereby authorize and direct the Secretary of State to affix the Seal of the United States, pursuant to section 42 of title 4 of the United States Code, [45] without any special warrant therefor, other than this order, to each document included within any of the following classes of documents when such document has been signed by the President and, in the case of any such document to which the counter-signature of the Secretary of State is required to be affixed, has been counter-signed by the said Secretary:

1. Proclamations.
2. Instruments of ratification of treaties.
3. Full powers to negotiate treaties and to exchange ratifications.
4. Presidential warrants for the extradition of fugitives from the justice of the United States.
5. Letters of credence and recall and other communications from the President to the heads of foreign governments.
6. Exequaturs issued to those foreign consular officers in the United States whose commissions bear the signature of the chief of state which they represent.[46]

This Executive order has since been amended twice. The first amendment came as part of Executive Order No. 11354, dated May 23, 1967, and signed by President Lyndon B. Johnson, which became effective July 1, 1967. Section 3 of that directive follows:

SEC. 3. Item 1. of Executive Order No. 10347 of April 18, 1952, entitled "Providing for the Affixing of the Seal of the United States to Certain Presidential Documents," is hereby amended to read as follows:

"1. Proclamations by the President of treaties, conventions, protocols, or other international agreements." [47]

The effect of this Executive order was to terminate the use of the Great Seal on all Presidential proclamations other than those of treaties and other international agreements.

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[44] This act authorized the President to designate and empower agency heads and certain other officials "to perform without approval, ratification, or other action by the President . . . any function which such officer is required or authorized by law to perform only with or subject to the approval, ratification, or other action of the President", with the provision that the designation must be made in writing and published in the *Federal Register*.

[45] This codification is derived ultimately from the act of Sept. 15, 1789, quoted in Chapter VII.

[46] 17 *Federal Register* 3521, Apr. 22, 1952.

[47] 32 *Federal Register* 7695, May 26, 1967.

The second amendment came in Executive Order No. 11517, dated March 19, 1970, and signed by President Richard Nixon. The essential portion of that directive follows:

> SECTION 1. The Secretary of State is hereby designated and empowered to issue and sign all warrants appointing agents to receive, in behalf of the United States, the delivery in extradition by a foreign government of any person accused of a crime committed within the United States, and to convey such person to the place of his trial.
>
> SEC. 2. Agents appointed in accordance with section 1 of this order shall have all the powers conferred in respect of such agents by applicable treaties of the United States and by section 3193 of Title 18, United States Code,[48] or by any other provisions of United States law.
>
> SEC. 3. Executive Order No. 10347, April 18, 1952, as amended by Executive Order No. 11354, May 23, 1967, is further amended by deleting numbered paragraph 4 and renumbering paragraphs 5 and 6 as paragraphs 4 and 5, respectively.[49]

The net effect of this amendment was to terminate the use of the Great Seal on warrants for the extradition of fugitives from the justice of the United States.

With these amendments, the list of classes of documents set forth in Executive Order No. 10347, of April 18, 1952, above quoted—the classes other than commissions to which the Great Seal may be affixed without the special warrant of the President—is reduced to the following five items:

> 1. Proclamations by the President of treaties, conventions, protocols, or other international agreements.
>
> 2. Instruments of ratification of treaties.
>
> 3. Full powers to negotiate treaties and to exchange ratifications.
>
> 4. Letters of credence and recall and other communications from the President to the heads of foreign governments.
>
> 5. Exequaturs issued to those foreign consular officers in the United States whose commissions bear the signature of the chief of state which they represent.[50]

Current law on the custody and use of the Great Seal is to be found in the United States Code, title 4, section 42, and title 5, section 2902, paragraph (a). Under the law, the President may still

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[48] This codification is based ultimately on the act of Mar. 3, 1869, quoted *infra*, p. 356.

[49] 35 *Federal Register* 4937, Mar. 21, 1970.

[50] 4 U.S. Code 42, under "Amendments".

issue a special warrant for affixing the Great Seal to a state paper, but since Truman's warrant of April 18, 1952, quoted above, no President has done so.[51]

Documents That Formerly Took the Seal

Certain types of documents that formerly took the Great Seal have either fallen into disuse or now pass under another seal. This process with respect to civil commissions has been discussed earlier in this chapter. Other categories of papers which did, but no longer, pass under the Great Seal are described in the succeeding paragraphs.

Sea Letters, Ships' Passports, and Mediterranean Passports

A dictionary defines "sea letter" as "an instrument issued in time of war to a neutral vessel on leaving a port, entitling the master to sail under the flag and pass of the nation to which she belongs, and specifying her cargo and crew, the names of her captain and owners, place of lading, port of registry, and destination".[52] Although a ship's passport may be identical with a sea letter, or may vary from it, in the early years of the United States the terms were "interchangeably used as meaning the same kind of paper".[53] A Mediteranrean passport was a special kind of sea letter. As issued by the United States Government in the early years, all these documents bore the signature of the President, the countersignature of the Secretary or Acting Secretary of State, and the Great Seal.

Various early treaties of the United States, commencing with that of amity and commerce of 1778 with France,[54] included provisions for furnishing sea letters or ships' papers to vessels owned by American citizens. An example of such a provision is article 17 of the treaty of friendship, limits, and navigation

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[51] Information supplied by Mrs. Renn, July 20, 1976.

[52] *Webster's Dictionary*, 2d ed., p. 2256. On the subject generally, see Moore, *Digest*, II, 1045–1069.

[53] Miller, ed., *Treaties*, II, 339.

[54] *Ibid.*, pp. 23–24, 28–29.

signed October 27, 1795, with Spain.[55] In the forms that are attached to or embodied in three of these treaties—that of 1778 with France, that of amity and commerce of 1782 with the Netherlands, and that of 1800 with France—the phrase "put the Seal of our Arms thereunto" or its equivalent would seem to mean for the United States the affixing of the Great Seal, once it was in existence.[56]

By resolution of February 12, 1788, the Continental Congress had authorized sea letters "in the usual form", to be signed by the President of Congress, sealed with the Great Seal, and attested by the Secretary of Congress.[57] In December 1789, as already mentioned, prior to any legislation on the subject under the Constitution, the Government issued two sea letters. The Department of State continued to handle the preparation of sea letters and ships' passports under acts of Congress approved June 1, 1796, April 14, 1802, March 2, 1803, and March 26, 1810.[58] Although none of these statutes mentions the Great Seal, it was affixed to each document.

The Mediterranean passport was issued under the same statutory authority. Article 4 of the treaty with Algiers signed September 5, 1795, dealt with the issuance to and use by American vessels of such passports, and treaties with Tripoli and Tunis likewise provided for ships' passports. Intended specifically as a pass among vessels of the Barbary states, the Mediterranean passport was in English only. The blank form was printed from a copperplate engraving that had at the top a picture of a vessel under full sail through which a scalloped line ran horizontally (see illustration 59). As it issued these passports, the Department of State cut off the tops along the scalloped lines and sent them to the Barbary rulers for distribution among their officers, who could thereby identify valid documents carried by American vessels.

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[55] Miller, ed., *Treaties*, II, 332–333. Other treaty articles containing such provisions may be found here and there among those listed under "Ship's papers" in U.S. Dept. of State, *Subject Index*, p. 195.

[56] Miller, ed., *Treaties*, II, 29, 86, 461.

[57] See Chapter VII, p. 140.

[58] 1 Stat. 489. 2 Stat. 153, 208, 568.

> . . . The sea letters which operated as passports among the European nations, are printed in the English, French, Spanish, and Dutch languages. But the Mediterranean passports are in the English language only, ornamented with an engraving, and indented at the top, so that the Algerines might easily distinguish them by the eye, and by an examination of the indented part. . . .[59]

In this period sea letters and ships' passports were issued in large numbers. Regarding the Mediterranean passport in particular, John Bassett Moore wrote as follows:

> The records of the Department of State contain numerous references to the Mediterranean passport. Aug. 1, 1797, Mr. Pickering, as Secretary of State, sent to the President eighty such passports for his signature. May 14, 1802, Mr. Edward Savage was requested to prepare and furnish a thousand Mediterranean passports, of which two hundred were said to be "immediately requisite." They were all to be of the "old impression." A thousand more were soon ordered. Five hundred were ordered in 1808, and one thousand in 1811. In 1811 a new plate was made, but, as it differed "in several particulars" from the old, it was "thought that the immediate substitution of it might expose seamen and trade of the United States in the Mediterranean to very material hazard;" and "a supply of a small number, say two or three hundred," was ordered from the old plate. Subsequently, Col. Lear,[60] the United States consul at Algiers, was instructed to notify the Regency of a change in the form of the Mediterranean passport, and was furnished with "two or three hundred tops of the new passports . . . to be distributed amongst the Barbary States conformably with the projected alteration." But, till it was known that those States had been duly advised of the change, and that their cruisers had been furnished "with the tops" of the new passports, it was deemed prudent to use the old.[61]

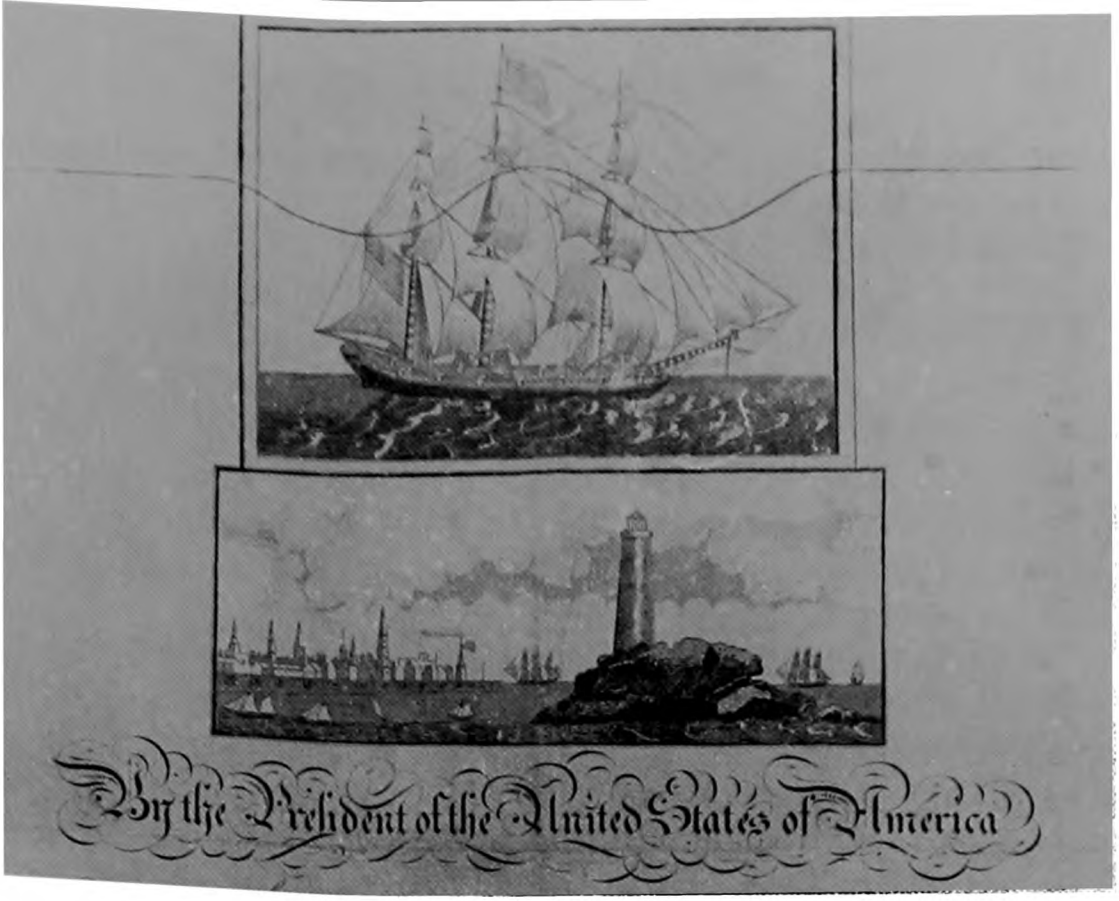
In the early years of the United States under the Constitution, and even before Congress had passed legislation on the subject, the Department was having blank sea letters printed for its use in substantial numbers. On May 15, 1790, it paid for five quires, or 120, of them. On February 13, 1799, it paid for 3,000 purchased

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[59] Moore, *Digest*, II, 1058. Concerning the treaties mentioned, see Miller, ed., *Treaties*, II, 299–300, 306–307, 364, 369, 403–404. For a photograph of a sealed Mediterranean passport with the top removed, see U.S. Dept. of State, *U.S. Passport*, p. 16.

[60] Concerning Lear, see Chapter VII, p. 157*n*.

[61] Moore, *Digest*, II, 1060, where the sources of the statements are cited in footnotes. For the form of the Mediterranean passport when Jefferson was Secretary of State, see *ibid.*, p. 1058.



59. Head of Blank Mediterranean Passport, Showing Detachable Top



60. Head of Passport With John Quincy Adams' Personal Seal as the Emblem

on December 27, 1797, and another 3,000 purchased between August and December 1798. On April 23, 1799, it paid for 1,000 purchased January 17 and 5,000 purchased February 25 of that year. On November 11, 1800, it paid for 4,050 bought in the first four months of 1800. On April 18, 1801, it paid for 127 quires, or 3,048 sea letters. On April 20, 1807, it paid for 5,000 purchased in November and December 1806 and 3,500 on March 20, 1807. On March 9, 1809, it paid for fourteen reams, or 7,000 sea letters. In other words, for the period of a little more than eleven years from December 1797 to March 1809, the Department's purchases of sea letters totaled 34,598.[62]

In addition, during approximately the same period, the Department purchased some 10,000 or more Mediterranean passports, most if not all of which were printed on parchment from a copperplate engraving. On June 12, 1817, the Department paid C. Schwarz $350 "for engraving the Mediterranean passport", and its 1817 bills indicate that it was then paying 50 cents each for blank Mediterranean passports printed on parchment by Joseph Milligan and Edward Davis.[63]

Just when sea letters and Mediterranean passports ceased to pass under the Great Seal has not been ascertained. Section 62 of title 46 of the United States Code mentions "any false Mediterranean passport", as if such passports were still issued;[64] and a note following reads: "As originally enacted, this section contained a reference to the issuance of sea letters. The use of such documents .was discontinued by Presidential proclamation on April 10, 1815." Nevertheless, as late as February 16, 1826, the Department of State had one clerk whose duties included "the preparation and distribution of sea letters and Mediterranean passports".[65]

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[62] Cash Book, 1785–1795, under date May 15, 1790. Contingent Expenses, Day Book, 1798–1820, pp. 33, 39, 89, 105, 230, 274.

[63] Contingent Expenses, Day Book, 1798–1820, pp. 50, 70, 130, 145, 166, 174, 178, 194, 230, 233, 273, 274, 282. Fifth Auditor's Accounts Nos. 82 (voucher 103), 242 (voucher 159), 691 (voucher 366), General Accounting Office Records, R.G. 217, N.A.

[64] Although obsolete, this section is derived ultimately from the act of Mar. 2, 1803, 2 Stat. 209, which has never been repealed.

[65] S. Doc. 109, 21st Cong., 1st sess. (ser. 193), p. 3. See footnote 8, *supra*, for citations to payments to the Department's messenger for sealing sea letters and Mediterranean passports after 1815.

Treaties With Indian Tribes

From early times until 1871 the United States entered into more than four hundred treaties with Indian tribes. As to procedure on the part of the United States, "Indian treaties followed precisely the same course as did treaties with foreign nations".[66] The procedure normally required a full power to negotiate and sign the treaty, an instrument of ratification, and a proclamation. All three of these documents took the Great Seal. As no exchange of ratifications took place, there was no full power for this purpose.

Use of these documents ended with the act of Congress of March 3, 1871, which provided that "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty".[67]

Letters of Marque and Reprisal

Such a letter is a license or commission issued by a government to a private person to fit out an armed vessel to cruise as a privateer at sea and make prize of the enemy's ships and merchandise. These documents were issued in large numbers during the Revolutionary War, and at least some of them bore the "Seal of the Admiralty of the United States in Congress assembled", which antedated the Great Seal.

Article I, section 8, clause 11, of the Constitution of the United States gives Congress the power to grant letters of marque and reprisal. That body exercised this power during the conflict of 1798 with France by passing an act that received the President's approval on July 9 of that year.[68] Section 2 authorized the President to issue "special commissions"—meaning letters of marque and reprisal—"in the form which he shall direct, and under the seal of the United States". Section 3 of the act of February 6, 1802, at a time of conflict with Tripoli, similarly authorized the President to issue such commissions under the seal of the United States.[69] The act of June 18, 1812, declaring war against Great

[66] Miller, ed., *Treaties*, I, 5.
[67] 16 Stat. 566.
[68] 1 Stat. 579.
[69] 2 Stat. 130.

Britain, authorized the President in general terms to issue letters of marque and reprisal.[70] Shortly thereafter, the act of June 26, 1812, dealt with the subject more fully, but included nothing regarding the form or sealing of the document.[71] During a period of conflict with Algiers the act of Congress of March 3, 1815, which followed the pattern of the Tripoli act of 1802, similarly authorized the President to grant "special commissions . . . under the seal of the United States".[72]

Records of the Department of State, which in this respect are obviously incomplete, show payment on April 5, 1799, for 200 blank letters of marque purchased January 19, 1799, and payment on March 30, 1800, for 500 more.[73]

No record has been found of issuance by the United States of a letter of marque and reprisal during the Mexican War or since.

Documents Relating to the Public Debt

In the earliest days of the Republic it was apparently thought necessary or desirable to affix the Great Seal to various papers relating to the public debt, presumably to add solemnity to the pledge of the Federal Government to honor its obligations. On June 5, 1792, and June 17, 1793, for example, the Great Seal was affixed to "ratifications" of loans involving the Bank of the United States. On June 30, 1792, and June 14, 1794, the seal was impressed on commissions or "powers" issued by the President to the Secretary of the Treasury to borrow money. And on November 5, 1792, it was affixed to a ratification of a loan from the Netherlands.[74]

As many early Treasury records have been destroyed by fire, and as the Chief Clerk of the Department of State appears to have discontinued in 1795 the practice of recording individual documents passing under the Great Seal, it has not been possible to determine how many later papers relating to the public debt

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[70] 2 Stat. 755.

[71] 2 Stat. 759. For text of a letter of marque issued under the act of June 26, 1812, see Hunt, *Dept. of State*, pp. 156–157.

[72] 3 Stat. 230, sec. 3.

[73] Contingent Expenses, Day Book, 1798–1820, pp. 38, 72.

[74] Papers Cont. Cong., item 187, folios 135, 158, 182.

took the Great Seal. Use of the seal on documents of this nature seems to have ceased, however, at an early date.

Patents for Lands

Two early acts of Congress relating to the public lands specified the affixing of the seal of the United States to land patents issued under them. These were acts of August 10, 1790, section 5, and May 5, 1792, section 1. Although certain later acts—e.g., those of May 18, 1796, section 7, and May 10, 1800, section 7—specified that land patents should be "countersigned by the Secretary of State, and recorded in his office", they did not mention the Great Seal.[75] Nevertheless, land patents passed under the Great Seal until 1812. The Department's records show that between March 22, 1800, and January 5, 1809, it purchased 4,100 blank land patents, printed on parchment, and 600 "military land warrants".[76]

Sealing of land patents with the Great Seal ended with the act of Congress approved April 25, 1812, which established the General Land Office, headed by a Commissioner, in the Treasury Department. Section 4 of this act provided for a seal for the new office; section 5 directed the transfer of public land records from the Department of State to the new office; and section 8 specified that thenceforth all land patents were to be signed by the President, sealed with the seal of the new office, and countersigned by the Commissioner.[77]

Patents for Inventions

The act of Congress of April 10, 1790, which first regulated the matter of patents for inventions, included the specific provision that such patents were to be sealed with the Great Seal.[78] Section 7 of the act required the payment of a fee of $1 "for affixing great seal". The act of February 21, 1793, which superseded the

[75] 1 Stat. 183, 266, 468. 2 Stat. 76.

[76] Contingent Expenses, Day Book, 1798–1820, pp. 68, 89, 172, 208, 223, 268.

[77] 2 Stat. 716.

[78] 1 Stat. 110.

earlier act, retained the provision for sealing with the Great Seal.[79]

Records of the Department, obviously incomplete, show the following purchases of patents for inventions printed in blank on parchment: 45 in 1792, 100 in 1793, and 206 in 1809.[80]

Use of the Great Seal on patents for inventions terminated with the act of July 4, 1836, which provided for a seal for the Patent Office and specified that thenceforth all patents were to be issued under that seal.[81] The Patent Office, however, continued to be part of the Department of State until its transfer to the Department of the Interior in 1849.[82]

Presidential Pardons

Article II, section 2, clause 1, of the Constitution of the United States gives the President power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It does not, however, specify that these instruments shall be sealed with the Great Seal. Nor does any act of Congress, so far as known, so specify. Use of the Great Seal on Executive pardons was based on custom and stemmed from British practice. The following is a statement of the former functions of the Department of State with regard to such pardons:

> From 1789 to 1850 the Secretary of State received petitions for the pardon of criminals convicted by Federal courts. The Secretary, with the Attorney General, considered the petitions and recommended to the President their granting or denial. After 1850 most petitions went to the Attorney General only, and beginning in 1870 all of them apparently were referred to the Department of Justice. The Department of State continued, however, to prepare warrants and commutations on requisition by the Attorney General until 1893, when the remaining pardon activities were transferred to the Department of Justice. . . .[83]

The documents issued under the Great Seal, although all generally classified as pardons, covered a wide variety of subcategories,

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[79] 1 Stat. 321.

[80] Cash Book, 1785–1795, under dates July 18, 1792, and June 28, 1793. Contingent Expenses, Day Book, 1798–1820, pp. 275, 282, 296.

[81] 5 Stat. 118.

[82] Stuart, *Dept. of State*, p. 87.

[83] U.S. National Archives, *Preliminary Inventory of the General Records of the Dept. of State*, p. 153.

including full and unconditional pardons, conditional pardons, releases from imprisonment, remissions of the uncompleted portion of sentences, remissions of fines or parts of fines, remissions of forfeitures of vessels or other property, commutations of death sentences to terms of imprisonment, respites or reprieves of death sentences, and removal of civil disabilities.[84]

An Executive order issued June 16, 1893, by President Grover Cleveland provided as follows:

> I hereby direct that all warrants of pardons and commutation of sentences heretofore prepared at the Department of State on the requisition of the Attorney General, be prepared and recorded in the Department of Justice under the seal of that Department and countersigned by the Attorney General.[85]

This order ended the use of the Great Seal on Presidential pardons.

Extradition Warrants for Fugitives From the Justice of the United States

The extradition provisions of article IV, section 2, of the United States Constitution apply only among the States. The earliest extradition clauses in treaties of the United States were those of article 27 of the Jay Treaty with Great Britain signed November 19, 1794; and they were terminated by the War of 1812. Next came the provisions of article 10 of the Webster–Ashburton Treaty with Great Britain signed August 9, 1842; those of the extradition convention with France signed November 9, 1843; and those of the additional article with France signed February 24, 1845.[86]

When, under the terms of an extradition treaty, a fugitive from the justice of the United States was apprehended abroad and was to be returned to the United States, the President issued a warrant, under the Great Seal, to one or more agents (frequently marshals, sheriffs, or police officers) authorizing him or them to take custody of the fugitive from the authorities of the extraditing country and to convey him to the United States and deliver him

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[84] Documents of these diverse types which passed under the Great Seal were recorded in Pardons and Remissions, D.S., R.G. 59, entry 693, N.A.

[85] Miscellaneous Letters, June 1893, part II, D.S., R.G. 59, entry 102, N.A. The order is quoted in Hunt, *Dept. of State*, p. 130.

[86] For extradition provisions of these four treaties, see Miller, ed., *Treaties*, II, 263; IV, 369–370, 515–518, 685–686. See also Moore, *Digest*, V, 374.

to the appropriate authorities there. These warrants were apparently issued under the President's constitutional powers, without other statutory authority, and were known, for brevity's sake, as warrants of extradition. An act of Congress approved March 3, 1869, provided that, whenever a person had been delivered to such an agent,

> . . . the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person . . . until the final conclusion of his trial for the crime[s] or offences specified in the warrant of extradition . . .

and section 2 of the act provided:

> . . . That any person duly appointed as agent to receive in behalf of the United States the delivery by a foreign government of any person accused of crime committed within the jurisdiction of the United States and to convey him to the place of his trial, shall be, and hereby is, vested with all the powers of a marshal of the United States in the several districts through which it may be necessary for him to pass with such prisoner . . .[87]

These Presidential warrants to agents to convey fugitives to their places of trial in the United States were regularly signed by the President and sealed with the Great Seal until 1970.[88] Then, as a further measure to ease the President's burden of routine tasks, President Nixon issued Executive Order No. 11517, dated March 19, 1970, quoted above, designating the Secretary of State to sign such warrants,[89] and they no longer were sealed with the Great Seal.[90]

Warrants of Arrest in Extradition Proceedings

A warrant or mandate of arrest is the formal document addressed to the judicial authorities of the United States, informing them that a foreign government has requested the extradition of an individual charged with a crime, and asking for the

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[87] 15 Stat. 337.

[88] For the form of these instruments as of about 1913 and earlier, see Hunt, *Dept. of State*, pp. 407–408. Record copies are filed in Warrants of Arrest and Extradition, Presidential Warrants, and Warrants of Extradition Consolidated, D.S., R.G. 59, entry 579, N.A.

[89] See *supra*, p. 345.

[90] Information supplied by Mrs. Renn, July 20, 1976.

apprehension of the individual, an examination of the case, and a report as to whether the evidence sustains the charges and justifies the issuance of a warrant of surrender or extradition.

In the early days of extradition proceedings, the authorities representing foreign governments in extradition cases went in the first instance to a judge—somewhat later to one of the judicial officers designated in an act of Congress approved August 12, 1848[91]—and sued out a warrant of arrest. Following action by the Supreme Court on an appeal known as "Kaine's case", Attorney General Caleb Cushing, taking note of the arguments in the minority opinion of the Court, advised the adoption of a new procedure.[92] Cushing believed that a warrant of arrest signed by the President was not necessary, but he obviously felt that, in view of Kaine's case, such a warrant or mandate could properly be issued if requested by a foreign government. Cushing wrote:

> This mandate, the issue of which is a departure from the recently pre-existing practice of the Government, seemed to me to be called for by the action of the Supreme Court of the United States in Kaine's case, (In re Kaine, xiv Howard, p. 103;) for although the necessity of such a mandate is not the thing specifically passed upon by the court in that case, yet the views, expressed by some members of the court . . led to the conclusion on the part of the President, that . . . it was proper for this Government, on being requested by the foreign government desiring extradition of an alleged fugitive from its justice, . . . to move to action the proper judicial authorities. . . .[93]

Action in line with Cushing's advice resulted in a warrant of arrest dated August 12, 1853, signed by President Franklin Pierce, attested by Secretary of State William L. Marcy, and impressed with the Great Seal. It was issued upon the request of the British Minister at Washington for the extradition of one William Calder.[94] Mandates or warrants of arrest continued to be signed by the President and to pass under the Great Seal until August 30, 1869, when the last of the Presidential warrants of arrest was signed by President Ulysses S. Grant and counter-

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[91] 9 Stat. 302.

[92] Cushing stated specifically, in a later opinion dated Dec. 18, 1856, that the new "rule" had been adopted on his advice. 8 Op. A.G. 241. For a biographical sketch of Cushing, see *Dict. Amer. Biog.*, IV, 623–630.

[93] Opinion in the Calder case, Aug. 31, 1853; 6 Op. A.G. 91–92.

[94] Pardons and Remissions, VI, 405–406.

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signed by Secretary of State Hamilton Fish.[95] With no explanation that has been found based upon statute, Executive order, or memorandum, the next warrant of arrest, dated September 16, 1869, was signed by Fish under the seal of the Department of State,[96] and no further Presidential warrants of arrest have been noted.

Warrants of Extradition or Surrender

Warrants of extradition or surrender are the documents whereby United States authorities, following the arrest of a fugitive requisitioned for extradition by a foreign government and following a judicial hearing and finding that there is sufficient cause to surrender the individual to the requisitioning power, are instructed to surrender the fugitive to an agent of the foreign government. The first such warrant of surrender on record was signed by Secretary of State Abel P. Upshur on August 9, 1843, and passed under the seal of the Department of State.[97] This continued to be the normal procedure, but in 1847 President James K. Polk issued two such warrants of surrender which passed under the Great Seal.[98] These warrants, although also known as warrants of extradition, are not to be confused with the Presidential warrants of extradition issued to agents of the United States described above.

By act of Congress approved August 12, 1848, the issuance of these warrants of surrender or extradition was specifically made the province of the Secretary of State. Section 3 of that act provided:

> That it shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed [by the judge or commissioner who had heard the case] to be delivered to such person or persons as shall be authorized, in the name and on behalf of such foreign government . . .

to receive the fugitive from the authorities of the United States.[99]

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[95] Warrants of Arrest and Extradition, 1868–1886, pp. 17–18.
[96] *Ibid.*, pp. 19–20.
[97] Warrants of Arrest and Extradition, 1843–1868, pp. 2–3.
[98] *Ibid.*, pp. 10–11, 11–13.
[99] 9 Stat. 302.

The records of the Department of State show that the Secretary of State did indeed continue to issue warrants of extradition or surrender.[1] They also record, however, four further Presidential warrants in such cases—one dated July 20, 1852; one dated February 1, 1854; and two dated June 14, 1858.[2] For some unexplained reason, the Secretary of State issued almost identical warrants for the surrender of the same individuals in each of these four cases,[3] as he had done with regard to one of the 1847 cases noted above.[4] While the warrants issued by the Secretary of State were impressed with the seal of the Department of State, those signed by the President were attested by the Secretary and impressed with the Great Seal. No examples of Presidential warrants of extradition or surrender have been found which are dated after 1858.

Full Powers Relating to Treaties

For many decades the negotiation of a treaty, in American diplomatic practice, normally involved the issuance of five separate documents signed by the President and sealed with the Great Seal of the United States: (1) a full power authorizing an individual or individuals to negotiate and sign the treaty on behalf of the United States, issued for the purpose of assuring the foreign government or governments that the American official or officials involved in the negotiation were in fact authorized to act for the United States; (2) and (3) the President's ratification of the treaty, after the advice and consent of the Senate had been obtained, executed in two originals, one intended for the archives of the United States and the other intended for exchange or deposit in accordance with the terms specified in the

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[1] Such warrants are recorded either in Pardons and Remissions or in Warrants of Arrest and Extradition, cited above, or in both.

[2] Warrants of Extradition, 1843–1868, pp. 23–25, 35–36, 70–71, 71–72. The last three are also recorded in Pardons and Remissions, VI, 425–426; VII, 20–21, 21–22.

[3] Warrants of Arrest and Extradition, 1843–1868, pp. 22–23, 37–38. Pardons and Remissions, VI, 425–426; VII, 24–25, 25–26.

[4] Warrants of Arrest and Extradition, 1843–1868, pp. 9–10. If the Secretary of State also issued a warrant in the other 1847 case, that of Alexandre Le Gendre, no record of the act has been found in either Pardons and Remissions or Warrants of Arrest and Extradition.

treaty; (4) another full power, authorizing an individual to exchange ratifications of the treaty with the officer similarly authorized by the other party to the treaty, or to deposit the United States instrument of ratification with the government or international organization designated to receive ratifications; and, finally, (5) the President's proclamation of the treaty. Within the last half century, two of these five documents have been eliminated from the categories of documents to which the Great Seal is affixed. (During the same period a new type of document, the instrument of acceptance, has come into being; it will be discussed further in the final section of this chapter.)

On November 6, 1928, the Secretary of State wrote as follows with regard to the fourth category mentioned above:

> It is not customary to issue or require full powers for the exchange of ratifications at Washington, nor is a full power required for the deposit with the Government of the United States of an instrument of ratification or adherence by the head of a foreign Government. When an exchange of ratifications is to take place in a foreign capital, a full power is issued by the President to the American diplomatic agent at that capital to effect the exchange. This is done as a matter of precaution in the event that a full power is required of him by the other Government.[5]

By 1956, however, the United States Government had wholly ceased to issue full powers for the exchange or deposit of instruments of ratification of treaties.[6]

On September 6, 1968, Secretary of State Dean Rusk recommended to President Lyndon B. Johnson that the first category mentioned above—the full power to negotiate and sign a treaty—be removed from the categories of documents signed by the President and sealed with the Great Seal. Rusk pointed out that, once the necessary substantive steps had been taken in connection with opening negotiations for a treaty,

> . . . it is sometimes necessary to issue a so-called Full Power to the United States representative who will sign the treaty or other agree-

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[5] Hackworth, *Digest*, V, 69–70.

[6] Memorandum dated Nov. 28, 1956, of a conversation with an officer of the Office of the Assistant Legal Adviser for Treaty Affairs, in the author's files. See also Whiteman, *Digest*, XIV, 66.

ment on behalf of the United States. A Full Power is intended to assure a depositary that the U.S. representative possesses the required authority.

It has been our practice to have Full Powers issued by the President. However, neither the law of the United States nor international law requires that the President fulfill this function. Many countries now have Full Powers issued by Foreign Ministers, for example, the United Kingdom, Canada, Greece, Japan, New Zealand, Norway and Yugoslavia.

Since the issuance of Full Powers is a formality and does not relate to the substantive decision to negotiate or sign a treaty or other international agreement, I believe this authority should be delegated to the Secretary or Acting Secretary of State. . . .

Rusk therefore made the following recommendation to Johnson:

> That you authorize the Secretary of State and, in his absence, the Acting Secretary of State, to issue, as required, Full Powers to negotiate and sign treaties and other international agreements for the United States.[7]

The requested authorization was given in the form of a memorandum for the Secretary of State from Walt W. Rostow, Johnson's Special Assistant for National Security Affairs. Rostow's memorandum, dated October 7, 1968, began as follows:

> The President authorizes you, or in your absence, the Acting Secretary of State, to issue, as required, Full Powers to negotiate and sign treaties and other international agreements on behalf of the United States.[8]

The last Presidential full power, signed by the President and impressed with the Great Seal, was that issued by President Nixon to Secretary of State William P. Rogers on February 13, 1969, in preparation for a negotiation with the Netherlands.[9] Acting under this authorization, Rogers, on the following July 15, signed a convention and protocol relating to the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances.[10]

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[7] ORG 5, Central Files, D.S.

[8] S/S 13439, files of the Executive Secretariat, D.S. For biographical sketches of Rostow, see *Who's Who in America*, 38th ed., II, 2646; *Current Biography Yearbook*, 1961, pp. 395–396.

[9] Record books of impressions of the Great Seal, in the files of the Presidential Commissions office, D.S.

[10] For texts, see 22 U.S. Treaties 247–298.

Presidential Proclamations Other Than Those of Treaties

From 1789 until 1967 Presidential proclamations regularly took the Great Seal,[11] and in the case of *Lapeyre* v. *United States*, the United States Supreme Court held that a proclamation took effect when it was signed by the President and sealed with the Great Seal, officially attested, and that its publication in the newspapers was not required to make it operative.[12]

By Executive Order No. 11354, dated May 23, 1967, and effective July 1, 1967, President Lyndon B. Johnson, as noted above, limited the categories of proclamations which could be sealed without special warrant to those of treaties and other international agreements. Section 1 of that order also amended the procedures for preparing other Presidential proclamations by eliminating from the testimonium clause any reference to the seal of the United States,[13] thus exempting all other categories from passing under the Great Seal. The last non-treaty proclamation to be sealed was No. 3790 of June 30, 1967, entitled "Proclamation Amending Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities". Its text concluded as follows:

> IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.
>
> DONE at the City of Washington this 30th day of June in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.[14]

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[11] Proclamations were printed in the Statutes at Large, vols. III, IV, V, and IX, and thereafter (some of early date, not previously printed, were included in vol. XI). Since Apr. 1936 proclamations have been printed also in the *Federal Register*. Many proclamations other than those of treaties—including some not in the Statutes at Large—are printed in Richardson, *Messages and Papers*.

[12] 17 Wallace 191 (Dec. term, 1872). Cf. sec. 7 of the Federal Register Act, approved July 26, 1935. That section provided that certain documents, including proclamations having general legal effect, were not "valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection . . ." 49 Stat. 502. The division referred to was the organizational unit in the National Archives charged with responsibility for publishing the *Federal Register*.

[13] 32 *Federal Register* 7695, May 26, 1967.

[14] *Ibid.*, pp. 9803–9804, July 6, 1967.

The first proclamation to be issued unsealed was No. 3791, "World Law Day, 1967", dated July 3, 1967. In accordance with the terms of Johnson's Executive order, the testimonium clause of this proclamation read as follows:

> IN WITNESS WHEREOF, I have hereunto set my hand this third day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.[15]

Such proclamations now take only the signature of the President with no countersignature by the Secretary or Acting Secretary of State.

Exequaturs

Until 1971, exequaturs, or documents granting recognition to foreign consular officers in the United States, bore the President's signature and passed under the Great Seal if the commissions of those officers bore the signature of the chief of the state which they represented. As noted earlier in this chapter, issuance of a special warrant in connection with exequaturs had not been normal practice, and in 1952 exequaturs had formed one of the categories specifically enumerated which could be sealed without special warrant. By 1971 it had been recognized for some time that other forms of consular recognition could be used,[16] and in that year a decision was reached to eliminate exequaturs issued in the President's name. This decision was communicated to the foreign diplomatic missions in Washington in the following circular note dated July 13, 1971:

> The Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission and has the honor to inform them that, in the interests of simplifying and expediting consular recognition, beginning with requests submitted following receipt of this note, the United States Government is extending to all sending States the procedure now in limited use of accomplishing consular recognition by exequatur in the form of a diplomatic note. Therefore, consular commissions are no longer required to be submitted to the Department of State.
>
> The pertinent facts of a consular assignment should hereafter be contained in a first person note requesting recognition of a consular

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[15] 32 *Federal Register* 10047, July 8, 1967.
[16] See Whiteman, *Digest*, VII, 544–546.

officer. These include the full name of the appointee, his consular title, post of assignment, and consular jurisdiction if not already prescribed. The note should be accompanied by a completed Form DS–394 (Notification of Status with a Foreign Government) if one has not been submitted previously.

The Department of State will continue to issue consular identification cards to career officers.

It is requested that the Department be informed by note when the appointment of a consular officer is terminated.[17]

While no Executive order has been issued to eliminate exequaturs from the categories of documents to be sealed without special warrant, consular recognition in practice is now granted only by the procedures quoted above, and exequaturs have been excluded in practice from the categories of documents signed by the President and sealed with the Great Seal.

Ceremonial Letters

From 1789 until 1962, certain letters on ceremonial occasions from the President of the United States to foreign chiefs of state were dispatched in envelopes which were sealed with the Great Seal. These communications, known as "ceremonial letters" or "autographed letters", frequently responded in appropriate terms, from congratulations to condolences, to letters in ceremonial format (sometimes very elaborate indeed) which the President had received.

The first recorded ceremonial letter sent by President Washington was addressed on October 9, 1789, to King Louis XVI of France and expressed condolences on the death of the Dauphin, heir to the French throne.[18] At the foot of the page on which this letter was recorded, the precedent set with respect to sealing was also made of record, as follows:

Note. The credential and other letters from the President to foreign powers are always sealed on the outside with the Great Seal.[19]

This precedent was followed until the administration of President John F. Kennedy, when it was decided that most com-

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[17] POL 17–1, Central Files, D.S.
[18] Credences, I, 1, D.S., R.G. 59, entry 33, N.A.
[19] *Ibid.*

munications from the President to foreign chiefs of state could be sent with less formality. The last ceremonial letter enclosed in an envelope which was sealed with a wafer on which the Great Seal had been impressed was a letter from Kennedy to Julio Adalberto Rivera, dated July 10, 1962, in response to a communication from the latter announcing his assumption of office as President of the Republic of El Salvador.[20] The form used for letters of credence and recall, however, was not altered by the new policy.

Letters of Credence and Recall for Ministers

Gradual changes in diplomatic practice have made obsolete a number of ranks previously used for the representatives who headed American Legations abroad. Indeed, since November 28, 1966, when the American missions in Hungary and Bulgaria were raised to the status of Embassies, there have been no American Legations, and the normal level of diplomatic representation has been the Embassy, headed by an Ambassador. Until 1893, however, the President appointed no Ambassadors, but used a wide variety of lower ranks for chiefs of mission.[21] As these ranks have disappeared over the last century and a half, there has been an accompanying change in the formal documents—commissions and letters of credence and recall—which involved use of the Great Seal. Not that the number of such documents has decreased; on the contrary, there has been a dramatic increase in number as the United States has established diplomatic relations with more and more countries, but the terminology of the documents has changed, and that development is relevant here.

The now obsolete ranks which invariably involved the issuance of letters of credence by the President, and therefore the use of the Great Seal to close the envelopes containing those letters, were, in the order of their disappearance:

Minister Plenipotentiary. This title (which had been used for Adams, Franklin, and Jefferson in the early days of independence) was last

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[20] Record books of impressions of the Great Seal, in the files of the Presidential Commissions office, D.S.

[21] The information in this section is based on an analysis of the tables in Dougall and Chapman, *U.S. Chiefs of Mission*, and of the working papers for that publication in the files of the Office of the Historian, D.S.

used for Heman Allen,[22] whose letter of recall as Minister Plenipotentiary to Chile was signed by President John Quincy Adams on November 1, 1826.[23]

Minister Resident and Extraordinary. This extraordinary title was used only once, for Andrew B. Dickinson [24] in Nicaragua, whose letter of credence was signed by President Lincoln on April 18, 1863, and who was recalled by President Grant on May 12, 1869.[25]

Minister Resident. The last officer to serve with this title was James S. Moose, Jr.,[26] whom President Franklin D. Roosevelt accredited as Minister Resident and Consul to the Kingdom of Saudi Arabia on June 14, 1943, and recalled August 30, 1944.[27]

Envoy Extraordinary and Minister Plenipotentiary. This title (the one most widely used in the late nineteenth and early twentieth centuries) was last held by John M. McSweeney,[28] accredited to Bulgaria by President Lyndon B. Johnson September 16, 1966,[29] and promoted to the rank of Ambassador the following year after his Legation had been raised to Embassy status.

Two lower ranks given to officers heading Legations sometimes involved letters of credence and recall signed by the President—and therefore the use of the Great Seal—and sometimes did not. If Presidential accreditation was not involved, letters of credence and recall were issued by the Secretary or Acting Secretary of State and the Great Seal was not used. These ranks were, in the order of discontinuance of Presidential accreditation:

Commissioner. The last Commissioner at the head of a Legation to be accredited by the President was Peter Parker,[30] whose letter of credence as Commissioner to the Empire of China was signed by President Franklin Pierce on September 5, 1855.[31] Commissioners appointed later to head Legations in Paraguay, Liberia, and Haiti were accredited by the Secretary of State.

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[22] For a biographical sketch, see *Biog. Direc. Amer. Cong.*, p. 505.

[23] Credences, II, 54.

[24] For a biographical sketch, see *Natl. Cyclo. Amer. Biog.*, XII, 477.

[25] Credences, IV, 409. Credences, South America, 1869–1871, p. 16, D.S., R.G. 59, entry 33, N.A.

[26] For a biographical sketch, see *Register D.S.*, 1961–1962, p. 500.

[27] File 123 Moose, James S./436, *ibid.*/8–3044, D.S., R.G. 59, entry 196, N.A.

[28] For biographical sketches, see *Who's Who in America*, 38th ed., II, 2108; *Register D.S.*, 1972, pp. 259–260.

[29] Copy of letter of credence in the files of the Presidential Commissions office, D.S.

[30] For a biographical sketch, see *Dict. Amer. Biog.*, XIV, 234–235.

[31] Credences, IV, 119.

Diplomatic Agent. The last Diplomatic Agent at the head of a Legation to be accredited by the President was George Wadsworth, [32] Diplomatic Agent and Consul General near the Governments of Lebanon and Syria, whose separate letters of credence for the two countries were signed by President Franklin D. Roosevelt October 17, 1942. [33] Diplomatic Agents appointed later to head the Legation at Tangier, Morocco, were accredited by the Secretary of State.

While the titles listed above have been classified here as obsolete, there is no legal bar to their revival if the President should wish to use them again.

It has always been the rule that the Secretary or Acting Secretary of State would accredit representatives at the rank of Chargé d'Affaires. It should be noted here, however, that this rule has not been followed invariably. President Chester A. Arthur, for example, signed the letter of credence for John M. Langston[34] as the first American Chargé d'Affaires to Santo Domingo on November 1, 1883.[35]

Arbitral Awards Signed by the President

A type of document that has taken the Great Seal on at least six occasions is the arbitral award signed by the President of the United States.

The earliest such document that has been noted is the award of President Grant in the Bulama Island case submitted to the President in 1869 by Great Britain and Portugal. Grant's award of April 21, 1870, favoring the claim of Portugal, was signed in triplicate, countersigned by Secretary of State Hamilton Fish, and sealed with the Great Seal.[36]

In 1876 the Argentine Republic and Paraguay submitted to the arbitration of the President of the United States the title to certain territory in dispute between them. On November 12, 1878, President Hayes signed the award in this case, in favor of Para-

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[32] For biographical sketches, see *Who Was Who in America*, III, 881; *Register D.S.*, 1951, p. 453.

[33] File 123 W 111/406.

[34] For a biographical sketch, see *Dict. Amer. Biog.*, X, 597–598.

[35] Credences, VI, 219.

[36] Moore, *International Arbitrations*, II, 1909–1922; V, 4793–4795.

guay. The document, in triplicate, was countersigned by Secretary of State William M. Evarts and sealed with the Great Seal.[37]

A convention signed December 24, 1886, between Costa Rica and Nicaragua provided for submitting to the arbitration of the President of the United States a question as to the validity of the treaty of limits which had been signed between them on April 15, 1858. Article 5 of the convention included the provision that the "arbitrator may delegate his powers, provided that he does not fail to intervene directly in the pronunciation of the final decision". Under this provision President Cleveland delegated his powers as arbitrator "to George L. Rives,[38] Assistant Secretary of State, to the extent contemplated and permitted by the aforesaid convention of arbitration". The instrument of delegation, dated January 16, 1888, was signed by Cleveland, countersigned by Secretary of State Thomas F. Bayard, and sealed with the Great Seal. In due course Rives reported to Cleveland his conclusion "that the Arbitrator should decide in favor of the validity of this Treaty", and Cleveland thereupon made his award to this effect. Drawn up in duplicate and dated March 22, 1888, it bore the signature of the President, the countersignature of Bayard, and the Great Seal.[39]

In 1889 the Argentine Republic and Brazil agreed to submit to the arbitration of the President of the United States the boundary question then pending between them. Cleveland's decision, in favor of Brazil, was signed in triplicate under date of February 5, 1895, countersigned by Secretary of State Walter Q. Gresham, and sealed with the Great Seal.[40]

Colombia and Italy agreed in 1894 to submit to the arbitration of the President of the United States the claims of Ernesto Cerruti, a native of Italy, "against the Government of Colombia for losses and damages to his property . . . during the political

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[37] Moore, *International Arbitrations*, II, 1923–1944; V, 4783–4785. *Foreign Relations*, 1878, p. 711. The area awarded Paraguay is now the Department of Presidente Hayes, and its capital is Villa Hayes.

[38] For a biographical sketch, see *Dict. Amer. Biog.*, XV, 634–635.

[39] For an account of this case, including translations of the treaty of 1858 and the convention of 1886 and the texts of the President's delegation of powers, Rives' report, and the award, see Moore, *International Arbitrations*, II, 1945–1968; V, 4704–4709. See also *Foreign Relations*, 1888, I, 455–468.

[40] Moore, *International Arbitrations*, II, 1969–2026; V, 4688–4689. *Foreign Relations*, 1895, I, 1–3.

troubles of 1885". On March 2, 1897, President Cleveland signed an award in the case, which, although disallowing certain items, gave Cerruti £60,000. The award was signed in duplicate, countersigned by Secretary of State Richard Olney, and sealed with the Great Seal.[41]

Cleveland's 1895 award in the Argentine-Brazilian case, mentioned above, served as a precedent for use of the Great Seal on the "Decision of President Wilson respecting the Frontier between Turkey and Armenia, Access for Armenia to the Sea, and the Demilitarization of Turkish Territory adjacent to the Armenian Frontier". The background of this decision or award has been summarized as follows:

> On January 19, 1920 the Supreme Council of the Principal Allied and Associated Powers agreed to recognize the government of the Armenian State as a *de facto* government on the condition that the recognition should not prejudge the question of the eventual frontier. The United States recognized the *de facto* government of the Armenian Republic on April 23, 1920, on the condition that the territorial frontiers should be left for later determination. The Supreme Council proposed that the President of the United States should arbitrate the question of the boundary between Turkey and Armenia.
>
> On May 17, 1920 the Secretary of State informed the American Ambassador in France that the President had agreed to act as arbitrator and, on November 22, 1920, President Wilson sent to the President of the Supreme Council of the Allied Powers a letter accompanied by his decision regarding the boundary. . . .[42]

Wilson's decision was signed in duplicate on November 22, 1920, countersigned by Secretary of State Bainbridge Colby, and sealed with the Great Seal. On November 23—presumably after the seal was affixed—the Solicitor for the Department of State, Fred K. Nielsen,[43] addressed to Colby the following memorandum, headed "The Use of the Seal of the United States on the Armenian Boundary Decision":

> The purpose of the Great Seal appears to be, generally speaking, to give authenticity to the documents to which it is affixed and it would

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[41] Moore, *International Arbitrations*, II, 2117–2123; V, 4699–4701. *Foreign Relations*, 1898, pp. 245–246, 403–404.

[42] Hackworth, *Digest*, I, 715. For Wilson's letter and the accompanying decision, see *Foreign Relations*, 1920, III, 790–804.

[43] For biographical sketches, see *Register D.S.*, 1922, p. 162; *Natl. Cyclo. Amer. Biog.*, L, 393–394.

therefore seem that it could properly be used only for official purposes. It attests the verity of the presidential signature. In effect you by signing witness that signature.

Since we are not a party to the Turkish Peace Treaty,[44] I presume that the President in a sense acts unofficially and in a personal capacity in fixing the boundary. It might well be argued, therefore, that in order that his opinion, which of course is something of a notable document which will be published should appear as a personal decision by the President. As such it might have been signed and the signature witnessed by you, and no seal and in any event only a private seal attached.

I noted what you said that you would prefer not to have changes made. I think a broad view can be taken of this matter and that in the light of such a view no changes need be made. When nations refer a controversy or some other question to the determination of a sovereign—for the purpose of illustration the President may be regarded as a sovereign—such official in a measure certainly acts in an official capacity. He is selected because of his official position as well as because of his character and ability. And in accordance with a practice among nations he responds to the request of the two powers (or more powers) that appeal to him. The Cleveland decision to which Major Martin[45] calls attention bore the seal. Of course, the fact that a thing has been done does not make it correct but the precedent is worth considering. A seal is an important thing in the execution of some documents. The President might have affixed a private seal. As the official by whom the use of the Great Seal is controlled, he uses it in the present case to give authenticity to the document which he framed in response to a request made of him because he was considered a suitable person in view of his position, character and ability.[46]

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[44] The Treaty of Sèvres, signed Aug. 10, 1920. For the text of article 89 of the treaty, which provided for the submission of certain frontier questions to the arbitration of the President of the U.S., see *British and Foreign State Papers*, CXIII, 672.

[45] Lawrence Martin, then Geographer of the Department and later Chief of the Division of Maps, Library of Congress. For biographical sketches, see *Register D.S.*, 1922, p. 153; *Natl. Cyclo. Amer. Biog.*, XLIV, 42–43.

[46] Opinions of the Solicitor, 1920, III, 2292–2293, Law Library, Office of the Legal Adviser, D.S. Another copy of Nielsen's opinion is attached to a memorandum which he wrote some years later in which he stated: "I return the attached copy of a memorandum with regard to the use of the seal of the United States. The memorandum indicates that it was made in response to an oral request. It also indicates what I assume is a fact, that the seal had been used, and that Secretary of State Colby was reluctant to make a change in the preparation of President Wilson's award. The point before me was a narrow one. . . ." Nielsen further stated that the use of the Great Seal on such an award did not obligate the U.S. to take any action to implement the award. Memorandum from Nielsen to Emerson B. Christie, of the Division of Near Eastern Affairs, Dept. of State, Apr. 27, 1926, file 760j.6715/95, D.S., R.G. 59, N.A.

Although arbitral awards are dealt with here as a type of document that formerly took the Great Seal, these six awards might well serve as precedents for similar use of the Great Seal in the future.

Documents That Take the Great Seal Today

The Secretary of State now causes the Great Seal to be affixed to the types of documents listed below after they have been signed by the President—and without the use of a special warrant. The numbers in parenthesis after each type indicate the number of times the Great Seal was used for that type in the twelve-month period from July 1, 1975, to June 30, 1976.[47]

Instruments of ratification or acceptance of, or adherence to, treaties and other international agreements (41).

Proclamations of treaties and other international agreements (16).

Letters of credence and recall for Ambassadors, and letters of credence for special representatives on ceremonial diplomatic missions—such as inaugurations of foreign presidents—where the presentation of credentials is expected (73). Here the Great Seal is affixed, not to the document itself, but to the envelope enclosing it.

Appointment commissions of Ambassadors (37).

Appointment commissions of Foreign Service officers (413).[48]

Appointment commissions of Cabinet officers and all other civil officers appointed by the President whose commissions are not required by law to issue under another seal, except those listed separately above (449).

Assignment commissions for consular officers (363).[49]

It will be noted from these figures, and from information given earlier in this chapter, that the trend has been away from extensive use of the Great Seal in domestic affairs, as on land patents, patents for inventions, pardons, and certain proclama-

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[47] Memorandum to the coauthor from Mrs. Renn, July 19, 1976. These figures presumably include master commissions (see *supra*, p. 339).

[48] It has been noted above, p. 339, that the number of appointment commissions issued to Foreign Service officers has been curtailed. The comparable number of commissions engrossed in 1958 was 1,450. Monthly reports in the files of the Presidential Commissions office, D.S.

[49] It has been noted above, p. 340, that the number of assignment commissions for consular officers has been curtailed. The comparable number of commissions engrossed in 1958 was 719. Monthly reports in the files of the Presidential Commissions office, D.S.

tions, and toward its use exclusively in relations with foreign governments. Except for a minority of commissions issued to civil officers of the United States, the Great Seal is now affixed only to documents that serve a purpose in international affairs.

Unique and Unusual Uses of the Great Seal

In addition to what may be called normal uses of the Great Seal, both current and obsolete, there have been perhaps a score of occasions on which the Great Seal has been affixed to unusual documents in exceptional circumstances. There can be no assurance that all such occasions have been noted, but this section presents information on five categories of unusual usage.

Documents Signed by the Secretary of State

Although the Great Seal in normal practice serves to attest and authenticate the President's signature, there have been a few occasions on which the seal has been used in connection with the signature of the Secretary of State standing by itself.

Two instances of such use occurred during President Washington's second term of office. Six months after entering on duty as Secretary of State, Edmund Randolph himself signed two ceremonial letters and ordered them sealed with the Great Seal—that is, presumably, placed in envelopes which were closed with the seal. Both letters were dated June 10, 1794, and both were addressed to the Committee of Public Safety for the French Republic. At the foot of the record copy of the first is this note: "sealed with the great seal by desire of M[r] Randolph". And at the foot of the record copy of the second is a note that it too was sealed with the Great Seal.[50]

More than half a century later, Secretary of State William L. Marcy used the Great Seal to attest his signature on an instrument of acceptance, on the part of the United States, of the accession of Württemberg to an 1852 convention with Prussia and other states for the mutual delivery of fugitives from justice.[51] Marcy's

[50] Credences, I, 47, 48–49.
[51] Miller, ed., *Treaties*, VI, 3–11.

instrument of acceptance, dated December 24, 1853, contained the following testimonium clause:

> In faith whereof, I have hereunto set my hand and have caused the seal of the United States to be affixed.[52]

In 1854 Marcy executed instruments of acceptance in similar form of the accessions to the same convention by Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, and Schaumburg-Lippe.[53]

Ordinarily, however, if a seal accompanies the signature of the Secretary of State on a public document or paper, it is either the seal of the Department of State or the Secretary's personal seal.[54]

Unusual Treaty Documents

Marcy's instruments of acceptance, mentioned immediately above, are also examples of unusual treaty documents impressed with the Great Seal of the United States. Three other treaty documents of unusual character which passed under the Great Seal have been noted.

The first of these was an instrument of confirmation of a treaty which was used in place of an instrument of ratification in effecting the exchange of ratifications required to bring the treaty into force. The treaty in question was the indemnification convention with Spain signed at Madrid August 11, 1802.[55] This treaty was ratified by President Thomas Jefferson for the United States on January 9, 1804, but Spain did not ratify it until July 9, 1818. On December 21 of the latter year President James Monroe signed an instrument of confirmation, which has been described as "perhaps unique in character",[56] citing Jefferson's ratification fourteen years earlier and containing the following paragraph:

> Now therefore be it known, that I James Monroe, President of the United States, do promise to fulfil and observe the said Convention and to cause the same and every clause and article thereof to be fulfilled and faithfully observed on the part of the United States.

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[52] Miller, ed., *Treaties*, VI, 17.
[53] *Ibid.*, pp. 17–18.
[54] See Chapter XVIII, *passim;* Chapter XX, p. 532*n*.
[55] Miller, ed., *Treaties*, II, 492–495.
[56] *Ibid.*, p. 496.

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Countersigned by Secretary of State John Quincy Adams and sealed with the Great Seal, this document was exchanged for the Spanish instrument of ratification the same day.[57]

The first time the United States gave formal notification of the abrogation of a treaty, the instrument of notice of abrogation was signed by the President, countersigned by the Secretary of State, and sealed with the Great Seal. The treaty being abrogated was a convention with Great Britain which had been signed August 6, 1827, concerning the northwestern boundaries of the United States.[58] Secretary of State James Buchanan had recommended that notice of abrogation be given to the British Foreign Secretary through diplomatic channels, but President James K. Polk decided, after consulting the Cabinet, that he himself would sign the instrument and that it should be addressed to Queen Victoria.[59]

As noted earlier in this chapter, an unusual instrument of delegation of powers as arbitrator was executed by President Grover Cleveland on January 16, 1888, under arbitration procedures agreed upon by Costa Rica and Nicaragua in 1886. This unique document was countersigned by Secretary of State Thomas F. Bayard and sealed with the Great Seal.[60]

Documents Sealed by Authority of Special Acts of Congress

On two occasions the Congress has enacted legislation authorizing and directing the Secretary of State to affix the Great Seal to documents prepared under private auspices. The two documents in question were similar in form and purpose, although prepared more than fifteen years apart, and in each case the moving spirit behind the document was General James D. McBride, who was later to be the middleman who obtained for the Department of State the Great Seal die, press, and cabinet of 1904, as related in Chapter XIII.

The first of these extraordinary scrolls bore the following caption: "The Administrators of the United States Government at the beginning of its Second Century". It measured about 30 by

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[57] Miller, ed., *Treaties*, II, 496.
[58] *Ibid.*, III, 309–310.
[59] *Ibid.*, V, 90–91. The text of the instrument of notice is printed on p. 91.
[60] See *supra*, p. 368.

47 inches and consisted almost totally of the neatly arranged signatures of President Ulysses S. Grant, the members of his Cabinet, the justices of the Supreme Court, and the members of the Senate and House of Representatives, with certifications as to the authenticity of the signatures.[61] It was prepared for the Centennial Exposition at Philadelphia in 1876.[62] McBride was successful in having it impressed with the seals of the Supreme Court, the Senate, and the House of Representatives, and on November 16, 1877, he wrote to Secretary of State William M. Evarts, describing the execution of the document and asking that it be impressed with the Great Seal:

> There is deposited in the Department of State a document entitled "The Administrators of the United States Government at the Beginning of its Second Century." The instrument is of the date of July 4, 1876. It was signed at the Executive mansion in the council room by the President and his Cabinent [*sic*]; at the Capitol, The Chief Justice and Associate Justices affixed their signatures in the court chamber; The United States Senators subscribed their names to it in the Vice Presidents apartment; and the Representatives of the United States to complete the State Record entered their names upon it in the Speakers room. The Great Seals of the judicial and legislative branches of government are attached to it to authenticate it as being an original paper.
>
> Enclosed is a gold surfaced print, which I desire to locate on the document in line with the legislative seals and to the left of the names of the Cabinent [*sic*], and under your direction I ask that an impression of the Great Seal of the United States be placed upon it.[63]

As Evarts felt that he had no authority to affix the Great Seal to such a document, which was the property of private individuals, McBride sought congressional approval. Legislation authorizing and directing the Secretary of State to affix the seal to the

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[61] The coauthor examined a facsimile exhibited in the Fort Ward Museum, Alexandria, Va., through the courtesy of Col. Joseph B. Mitchell and Mrs. Wanda Dowell. Another facsimile was placed in 1876 in a "centennial safe" at the Capitol and remained there until the safe was opened in 1976. Information supplied by Mrs. Florian H. Thayn, of the Office of the Architect of the Capitol, Washington, May 26, 1977. The description of the scroll in the text is based on the Fort Ward facsimile, because the original scroll, and also a similar instrument of 1892 discussed later in this section, cannot be found as of June 1977, although both were transferred by the Dept. of State to the National Archives in 1938 as item 181 of accession 161.

[62] Statement by Representative Alexander H. Stephens, of Ga., when he introduced H.R. 2142, Jan. 10, 1878. *Cong. Record*, VII, 270–271.

[63] Miscellaneous Letters, Nov. 1877, part II, D.S., R.G. 59, entry 102, N.A.

document was introduced in the House of Representatives on January 10, 1878. It passed the House the same day, was approved by the Senate five days later, and became law when the President gave his approval on January 18, 1878.[64] It was made clear that the instrument was to be placed on file in the Department of State without cost to the Government.[65]

In 1892, with the four hundredth anniversary of Columbus' voyage to America and the forthcoming World Columbian Exposition at Chicago in mind, McBride projected a similar document. This time he obtained congressional approval well in advance. Legislation was introduced in the Senate on July 9, 1892, and in the House nine days later; and the House resolution became law on July 23, 1892. It authorized and directed the Secretary of State to affix the Great Seal to a document entitled "The administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America".[66] Separate resolutions authorized the affixing of the seals of the House and Senate,[67] and it is clear from a later act [68] that the seal of the Supreme Court was affixed as well, although this did not require congressional sanction. In a related concurrent resolution, both houses of Congress approved the acceptance by the President "from James D. McBride, for preservation in the archives of the Executive Department" of one copy of the quadricentennial document and also of a copy of McBride's centennial instrument of 1876.[69]

Congressional action on what might be called the "McBride memorials" was completed when McBride, by statute approved August 18, 1894, was authorized "to have engraved, on stone or

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[64] 20 Stat. 22.

[65] The legislative history of H.R. 2142 can be followed in *Cong. Record*, VII, 266, 270–271, 326. Related actions are recorded *ibid.*, pp. 1339, 1584. Further correspondence with the Dept. of State concerning McBride's instrument is in Miscellaneous Letters, Apr. 1877, part I, under date Apr. 3, 1877, and Aug. 1878, part I, under date Aug. 1, 1878, and in Domestic Letters, CXXIII, 579, and CLXXXV, 147–148, D.S., R.G. 59, entry 99, N.A.

[66] 27 Stat. 399. For the legislative history of S. 3401 and H. Res. 155, which superseded it, see *Cong. Record*, XXIII, 5932, 6330–6331, 6342, 6483–6484.

[67] *Cong. Record*, XXIII, 6342, 6484.

[68] Cited in footnote 70, *infra*.

[69] *Cong. Record*, XXIII, 6342, 6484. The concurrent resolution took effect when the Senate passed it July 21, 1892.

wood true and facsimile copies of the seal of the Supreme Court of the United States, the seal of the United States, the seal of the Senate of the United States, the seal of the House of Representatives, and the seal of the Department of State, which have been authoritatively affixed to . . . documents originating with him", namely, the instruments of 1876 and 1892 discussed above, with the proviso that McBride could not "make, or cause to be made any die or dies, whereby a copy of the said seals could be printed with raised characters or in relief".[70]

It should be noted that the two documents described in this section are unlike any others known to have passed under the Great Seal in three respects: (1) the affixing of the seal in each case was directed by a special act of Congress; (2) the documents were not generated in the course of official business, and at least the first was clearly a privately owned instrument when McBride originally asked that the Great Seal be affixed to it; and (3) they were impressed not only with the Great Seal but also with the seals of the Supreme Court, the Senate, and the House of Representatives.

Sample Impressions

It has been noted above that the Department of State has long refused to make sample or souvenir impressions of the Great Seal, taking the position that the seal is properly used on documents to which it is affixed by statutory authority or by warrant of the President.[71] On at least three occasions, however, impressions have been made in circumstances that fall in or approach the category of sample or souvenir impressions.

On May 5, 1817, in response to a letter from one John Binns, requesting an impression of the Great Seal, Secretary of State ad interim Richard Rush sent Binns "an impression, under two forms, of the seal of the U.S. which it is hoped will answer the purpose

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[70] 28 Stat. 388. These provisions were included in the appropriation act for the sundry civil expenses of the Government in fiscal year 1895.

[71] See Chapter XII, p. 284*n*. Other examples of refusals by the Dept. of State to prepare sample impressions are recorded in case 811.0158 of the Decimal File, D.S., R.G. 59, entry 196, N.A. See also correspondence on this subject with Charles A. L. Totten in Miscellaneous Letters, Nov. 1882, under date of Nov. 3, and Domestic Letters, CXLIV, 525–526.

you have in view".[72] Presumably the two forms of the impression were (1) on a seal paper over a red adhesive wafer and (2) directly on wax.

In 1895 George Bartle,[73] then in immediate charge of the Great Seal, declined to make an impression that had been requested unless ordered to do so by the Secretary of State—a complete change from the casual attitude shown in Rush's day. On this occasion the Chief Clerk of the Department, in a memorandum to Secretary Richard Olney, agreed that "an order directly from the Secretary" was needed. While the exact nature of the request was not recorded, the Chief Clerk noted that it did not constitute an "instrument" and said that he could see no legal objection to meeting the request. In this case Olney scribbled a penciled endorsement on the Chief Clerk's memorandum to the effect that the "impress" should be given. The impression was executed on October 16, 1895, and delivered to the Secretary's clerk for further handling.[74]

A somewhat different case arose when Elliott Woods, Superintendent of the United States Capitol Building and Grounds, wrote to the Department of State on April 4, 1906, asking that an impression of the Great Seal be provided to be placed in the cornerstone of the House Office Building (now the Cannon House Office Building) then under construction.[75] The Chief of the Bureau of Appointments, Charles Ray Dean,[76] referred the request to Secretary of State Elihu Root in the following memorandum:

> Such requests are uniformly denied. But as this is quite an exceptional case an order might be given to meet it. It would have to come from the President, in the shape of a warrant.[77]

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[72] Domestic Letters, XVII, 23–24.

[73] Concerning Bartle, see Chapters IX, XI, and XII.

[74] Memorandum from Edward I. Renick to Secretary Richard Olney, Oct. 18, 1895, with Olney's endorsement. Memorandum by Bartle, Oct. 19, 1895. Both papers are in the files of the Presidential Commissions office, D.S. This request for a seal impression had originated with Joseph H. Dowling, of Cincinnati, and had been forwarded to the Dept. of State through Attorney General Judson Harmon.

[75] Miscellaneous Letters, Apr. 1906, part I.

[76] Concerning Dean, see Chapter XII, p. 314.

[77] Memorandum from Dean to Root, Apr. 5, 1906, attached to the back of Woods' letter.

A warrant was duly issued on April 10,[78] and Root sent to Woods on April 11 "a duly certified imprint of the Seal of the United States to be placed among the articles which go in the box placed in the corner stone of the House Office Building".[79] While the certified imprint is entombed in the cornerstone and thus cannot be examined, its form probably followed a suggestion made by Second Assistant Secretary of State Alvey A. Adee.[80] Attached to Woods' request is the following rough draft in Adee's handwriting, with an indication that it was to be signed by President Theodore Roosevelt and impressed with the seal at the lower left-hand corner:

> I, T. R. &c. certify that this paper bears a true impression of the Great Seal of the United States—[81]

Sample or souvenir impressions must be distinguished from what might be called "demonstration impressions" made for the specific purpose of demonstrating the Great Seal mechanism or testing its adjustment. The author and coauthor have witnessed the making of such impressions on a number of occasions over a period of more than four decades, including a demonstration for photographers, with the impression made on a blank sheet of paper, after several actual documents had been publicly sealed on the occasion of the 175th anniversary of the first use of the Great Seal, as recounted in Chapter XIII. Demonstration impressions are normally destroyed immediately.

Presidential Citation

On only one occasion, so far as is known, has the Great Seal been affixed to a special Presidential citation.

On July 9, 1945, an officer attached to the White House staff telephoned the Department of State about affixing the seal to the document of citation for the award of the Legion of Merit, in the degree of Chief Commander, to Army General Alexei Innokentyevich Antonov,[82] who was Chief of Staff of the Soviet Army

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[78] Warrants for Affixing the Seal, D.S., R.G. 59, entry 854, N.A.

[79] Domestic Letters, CCLXXXIX, 388.

[80] Concerning Adee, see Chapter XII, p. 288.

[81] Adee's draft is attached to the back of Woods' letter.

[82] For biographical sketches, see *World Biography*, 4th ed., I, 222; *Bolshaya sovyetskaya entsiklopediya*, 3d ed., II, 94.

at the end of World War II. In response to this telephone call, the Department prepared and transmitted to the White House on July 10 a special warrant to be signed by the President and returned to the Department [83] to authorize this apparently unprecedented use of the Great Seal. The warrant was backdated to July 9 to correspond with the document of citation; both were signed by President Harry S. Truman.[84] The award was presented to Antonov in Moscow on August 12, 1945, by General of the Army Dwight D. Eisenhower.[85]

A "Citation of Merit for Distinguished Service" which President John F. Kennedy presented to Mrs. Florence Jaffray Hurst Harriman[86] on April 18, 1963, was apparently prepared with the idea that it would be sealed with the Great Seal, but it did not in fact pass under that seal. Its text, which Kennedy read at the presentation ceremony, recited, however, that the document was given under his hand and the seal of the United States,[87] sufficient space was left for the seal wafer, and provision was made for countersignature by the Secretary of State. Had the President issued a special warrant and had the Secretary countersigned the instrument, there would seem to be no reason why the citation should not have passed under the Great Seal. But the practice of issuing special warrants had ceased in 1952,[88] and it was not revived on this occasion.[89] For some unexplained reason, the President alone signed the citation, a circle of red sealing wax was applied over a loop of tricolored ribbon (red, white, and blue), and into the wax was pressed a small die, about 1⅛ inches in diameter, cut with the coat of arms of the United States.[90] What die was used for this purpose has not

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[83] Memorandum from Stanley Woodward, Chief, Division of Protocol, to Maurice C. Latta, Executive Clerk, the White House, July 10, 1945, file 093.112/7–1045, D.S., R.G. 59, N.A.

[84] Warrants for Affixing the Seal.

[85] *New York Times*, Aug. 13, 1945, p. 6.

[86] For biographical sketches, see *Who Was Who in America*, IV, 408; *Current Biography*, 1940, pp. 365–366.

[87] *Public Papers of the Presidents: John F. Kennedy*, 1963, p. 323.

[88] See *supra*, p. 346.

[89] Letter to the author, Sept. 2, 1976, from Mrs. Renn.

[90] Mrs. Harriman's citation hangs in the Daisy Harriman Room of the Woman's National Democratic Club, Washington. The coauthor examined it there on May 17, 1977, through the courtesy of Mrs. Margaret McClure, club manager.

been determined; possibly it was one intended for embossing the coat of arms on items of stationery. So far as known, this extraordinary instrument is the only one on which the Presidential signature has ever been "authenticated" in this manner—if indeed that verb can properly be used in connection with the wax seal on this unique document.

An Instrument of Acceptance Exchanged Before Sealing

For somewhat over three decades, apparently beginning in 1944, the President has from time to time, and in appropriate circumstances, executed an "instrument of acceptance" in lieu of an instrument of ratification as a step to bring into force an international agreement to which the United States is a party. The procedure was explained as follows in 1950:

> The instrument of acceptance, on the part of the United States, of a treaty, convention, or other agreement, in accordance with the terms of the particular agreement, is customarily an instrument executed by the President, often in the same form as an instrument of ratification or adherence, bearing the Seal of the United States, but sometimes in a modified form with the President's signature but not bearing the Seal. In the case of any agreement submitted to the Senate as a treaty in the constitutional sense, the more formal process, including the affixing of the Seal, is invariably followed. In the case of certain other types of agreements, . . . the modified formula has been used, after appropriate legislative action has been taken to authorize participation by the United States. . . .[91]

Such legislative action usually involves approval in some form by both houses of Congress, as by a joint or concurrent resolution.

If the Great Seal is used on an instrument of acceptance, it is affixed to two originals: one for deposit in the archives of the United States and one to be exchanged or deposited in accordance with the terms of the agreement being accepted. If the Great Seal is to be used, normal practice requires that the instrument be signed by the President, countersigned by the Secretary or Acting Secretary of State, and sealed *before* the exchange or deposit copy leaves the custody of the United States Government.

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[91] Letter from Charles I. Bevans to S. A. Hartzo, June 2, 1950, file 300.111/-4–1150, Central Files, D.S. Printed in Whiteman, *Digest*, XIV, 111. The subject of instruments of acceptance is treated *ibid.*, pp. 107–113. Such instruments are not to be confused with U.S. instruments accepting foreign documents such as those described *supra*, pp. 372–373.

An unusual situation arose with respect to the instrument of acceptance of the agreement on trade relations with Romania that had been signed at Bucharest, April 2, 1975.[92] President Gerald R. Ford was about to visit Romania, accompanied by Secretary of State Henry A. Kissinger, and it was decided that the President would actually sign the instrument of acceptance at a ceremony during his visit, and that it would be exchanged on the spot for the parallel Romanian instrument. It was also decided, however, that the Great Seal should be affixed to the United States instrument of acceptance.

What happened was this: At a ceremony held at Sinaia, Romania, on August 3, 1975, Ford signed the instrument of acceptance, Kissinger countersigned it, and it was handed to the Romanian authorities in exchange for the Romanian acceptance. The transaction was recorded by the signature of a protocol of exchange of instruments of acceptance.[93] A second original—for the archives of the United States—was then signed and countersigned in private, and was taken to Washington, where the Great Seal was duly affixed on August 19, 1975. The arrangement made informally with the Romanian officials was that their original (the so-called "exchange copy") would be sent to the Department of State through the Romanian Embassy at Washington. This procedure was followed, and the exchange copy passed under the Great Seal in the Department on September 10, 1975, after which it was returned to the Romanian Government.[94] So far as known, this is the only occasion on which such an instrument has been exchanged before sealing and then returned to Washington so that the Great Seal might be affixed.

The United States original of this instrument is also unusual in that the typist neglected to leave space for the seal at the left of the final clauses; the seal was therefore affixed at the bottom of the second page, centered.[95]

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[92] 26 U.S. Treaties (2) 2305–2341.

[93] Concerning this protocol of exchange, see Chapter XVIII, p. 503.

[94] File on Treaties and Other International Acts Series No. 8159, Office of the Legal Adviser, D.S. Record books of impressions of the Great Seal, in the files of the Presidential Commission office, D.S.

[95] The instrument of acceptance is in the file on Treaties and Other International Acts Series No. 8159, R.G. 11, N.A.

Chapter XV

NOTABLE REPRODUCTIONS OF THE OBVERSE AND REVERSE

Commencing soon after Charles Thomson made the first impression of the Great Seal on a document in 1782, artists, painters, and sculptors reproduced the device of the obverse from time to time, either as an illustration of the seal design or as a representation of the national coat of arms. Likewise, though less frequently, the reverse has been reproduced. These reproductions have usually taken the form of printed facsimiles or pictures, of paintings, or of impressions from dies engraved for the purpose of producing medals. The reproductions which are most notable—whether for early date, artistic merit, or subsequent influence, or a combination of the three—are here described.

Franklin Facsimiles

In 1783 Benjamin Franklin, who was then Minister Plenipotentiary to France, had printed on his press at Passy two pamphlets, one entitled *Constitutions des treize États-Unis de l'Amérique* [1] and the other *The Definitive Treaty between Great Britain, and the United States of America, Signed at Paris, the 3d day of September 1783.*[2]

On the title page of each of these publications is an identical facsimile in reduced size (about 1 inch in diameter) of an im-

[1] The original edition of the *Constitutions*, in English, had been published at the order of the Continental Congress, and Franklin apparently considered that the French translation, which he distributed to diplomatic representatives at the French court, was in the nature of an extension of that order. In forwarding a copy on Christmas Day, 1783, to the President of Congress, he therefore asked that the expense of printing the French edition be allowed as an official expenditure. Franklin, *Complete Works* (Bigelow, ed.), VIII, 395.

[2] Miller, ed., *Treaties*, II, 151–156.

pression of the Great Seal from the die of 1782. The facsimile includes the outline of the seal paper, with its serrated or saw-toothed edge. This use of the seal design seems to have been the first precursor of the very common current practice of printing the Great Seal device on the title pages of United States Government publications.

Almost certainly the impression from which Franklin had his facsimile made was that affixed to the United States instrument of ratification of the preliminary articles of peace. Dated April 15, 1783, that instrument would have been in Franklin's hands by the following July, although not exchanged until August 13.[3] The collection of *Constitutions* was printed on or before July 25, 1783, when Franklin sent a copy to Robert R. Livingston,[4] whose resignation as Secretary of Foreign Affairs Congress had accepted on June 4. The *Definitive Treaty*, however, was not off the press until sometime between September 9 and 27, 1783.[5]

For a picture of the title page of the *Constitutions*, see illustration 61.

That Franklin thus promptly accepted the Great Seal with its American eagle displayed, and put it to use on what he considered as official publications, is evidence that his later expression of preference for the turkey as a symbol of the United States Government is not to be taken seriously.[6]

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[3] Miller, ed., *Treaties*, II, 96.

[4] Franklin, *Complete Works* (Bigelow, ed.), VIII, 317. The mention of the *Constitutions* is in a postscript, dated July 25, to a letter headed July 22, 1783.

[5] Livingston, *Franklin and His Press at Passy*, p. 190. A picture of the title page is printed *ibid.*, facing p. 188.

[6] See Chapter II, pp. 30–31.

Another reported use of the Great Seal device in 1783 has proved to be one of the Great Seal myths. The *Connecticut Journal* (a New Haven newspaper) for May 1, 1783, stated that the ladies of New Haven had contributed "elegant silk colors, with the Coat of Arms of the United States most ingeniously represented thereon" for ceremonies on the preceding Apr. 24 to celebrate peace with Great Britain. The account is reprinted in Barber and Punderson, *History and Antiquities of New Haven*, p. 140. Ezra Stiles, President of Yale College, indicated in his diary entry for Apr. 24, 1783, that the arms of the U.S. had formed but one of many elements included on a blue canton for this flag. The truth seems to be that both the ladies and Stiles mistook the arms of Pennsylvania for the new national coat of arms. Preble, *History of the Flag of the U.S.*, pp. 288–289, citing Ellet, *Women of the American Revolution*. Preble quotes Stiles' diary entry and reproduces Stiles' rough sketch of the flag.

CONSTITUTIONS

DES

TREIZE ÉTATS-UNIS

DE L'AMÉRIQUE.



A PHILADELPHIE;

Et ſe trouve A PARIS,

Chez { PH.-D. PIERRES, Imprimeur Ordinaire du Roi, rue Saint-Jacques.
PISSOT, pere & fils, Libraires, quai des Auguſtins.

1783.

61. Title Page of a Pamphlet Issued by Franklin's Passy Press

Painting in St. Paul's Chapel

A splendid painting of the arms of the United States in a handsome frame hangs in the pew used by George Washington in St. Paul's Chapel, Broadway at Fulton Street, New York City. Oil on canvas in full colors, it measures 45½ inches high by 66 inches wide.

According to the usual story, the painting commemorates Washington's first inauguration. Following the inaugural ceremony at Federal Hall, Congress adjourned and, accompanying the new President as a body, walked along Broadway to St. Paul's Chapel, where they attended religious services. Afterward, as the story continues, Congress ordered the painting made and hung in the President's pew.[7]

Actually, the painting is of earlier date than Washington's inauguration and was presumably already hanging in the chapel on April 30, 1789. Miss Helen Rose Cline, formerly Parish Recorder, Parish of Trinity Church in the City of New York, has supplied the following information:

> A very careful search has been made of our records, and the following minute is the only official mention made of the painting:
>
> *Minutes of the Vestry of Trinity Church—Oct. 7, 1785.*
>
> RESOLVED that the Committee of Repairs procure a painter to paint the Arms of the United States to be put up in St. Paul's Church.
>
> We have no record of the painter or of any other detail such as date of completion or hanging. However, in 1929 the Metropolitan Museum of Art in New York City asked permission to x-ray the painting to determine if the present picture was painted over an earlier one. In a letter dated May 17, 1929 to Mr. Thomas B. Brown of our staff, Mr. H. W. Kent, Office of the Secretary, The Metropolitan Museum of Art, New York, states, "I am sending to you herewith the x-ray films of the pictures in Saint Paul's (the Arms of the United States and the Arms of the State of New York). I have been over them very carefully and it is quite true, apparently, that the present pictures were not painted on earlier ones."

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[7] See, e.g., Totten, *Seal of History*, I, 137; Isaacson, *American Eagle*, pp. 20, 45. Isaacson provides a beautiful reproduction of the painting in color as his figure 31.

An intensive search by a member of the staff of the Historical Office, Dept. of State, in Aug. 1973 for a record showing that Congress or any agency of the Federal Government had anything to do with the obtaining of this painting, had entirely negative results.



62. Washington's Pew in St. Paul's Chapel, New York, With the Coat of Arms of the United States Above It

In the early part of the 19th century, the President's and Governor's Pews were apparently dismantled in an effort to modernize St. Paul's Chapel. On October 30, 1866, the Centennial of the Chapel was celebrated, and the Rector, Dr. Morgan Dix,[8] mentions in his Historical Sketch[9] that although the pews have been dismantled, "the old heraldic pictures have been preserved; they survived the destruction which, at some dreary day of modernizing and miscalled improvement, overtook the old seats of state; and were consigned to an obscurity which had this only advantage, that it kept them safe. At length, emerging from their concealment, they were hung up in the front lobbies, where for a long time they remained, until, some ten years ago, they were reinstated, as nearly as could be determined, in their old positions, where you see them now." As you probably know, both pews were reconstructed some years ago and the proper painting hangs over each pew.[10]

Whoever the unknown painter was, he was a capable artist who also understood, or had expert guidance on, the niceties of heraldry.

For a reproduction of a photograph of the coat of arms, see illustration 62.

Trenchard's Engravings

James Trenchard,[11] Philadelphia engraver and member of the firm that established the *Columbian Magazine*, produced full-page engravings of both the obverse and the reverse of the Great Seal at an early date. The obverse appeared in the issue of the *Columbian Magazine* for September 1786, facing page 33. The reverse appeared as the frontispiece in the issue for October 1786. Not all existing files of the magazine, however, include the engraving of the reverse.

It seems a fair guess that Trenchard did his engraving of the obverse directly from the blazon, which is printed with it, without having seen an impression from the die of 1782. His engraving of the reverse, which is the earliest known pictorial representation of that design, was necessarily done from the blazon.

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[8] For a biographical sketch, see *Dict. Amer. Biog.*, V, 327–328.

[9] *Historical Recollections of St. Paul's Chapel.*

[10] Letter to the author, Nov. 28, 1973.

[11] For biographical sketches, see Stauffer, *American Engravers*, I, 276; Fielding, *Dictionary of American Painters*, p. 372; Groce and Wallace, *Artists in America*, p. 636.

For reproductions of these engravings, from the file of the magazine in the possession of the American Philosophical Society, see illustrations 63 and 64.

The influence of Trenchard's two engravings on the engraver of the Great Seal Medal of 1882 is unmistakable (see illustration 67).

The Diplomatic Medal

In 1790 Thomas Jefferson, Secretary of State under President Washington, conceived the idea of a medal that would serve as "a present proper to be given to diplomatic characters on their taking leave of us". Jefferson made specific suggestions for the design, which included the obverse of the Great Seal as the reverse of the medal. The famous French sculptor and engraver, Augustin Dupré,[12] executed dies, from which he struck two gold and eight bronze medals. The gold medals, suspended on gold chains, were presented to the Marquis de la Luzerne [13] and to Count de Moustier, [14] who had served as Ministers from France to the United States. Thereafter use of the medal as an official diplomatic gift ceased.

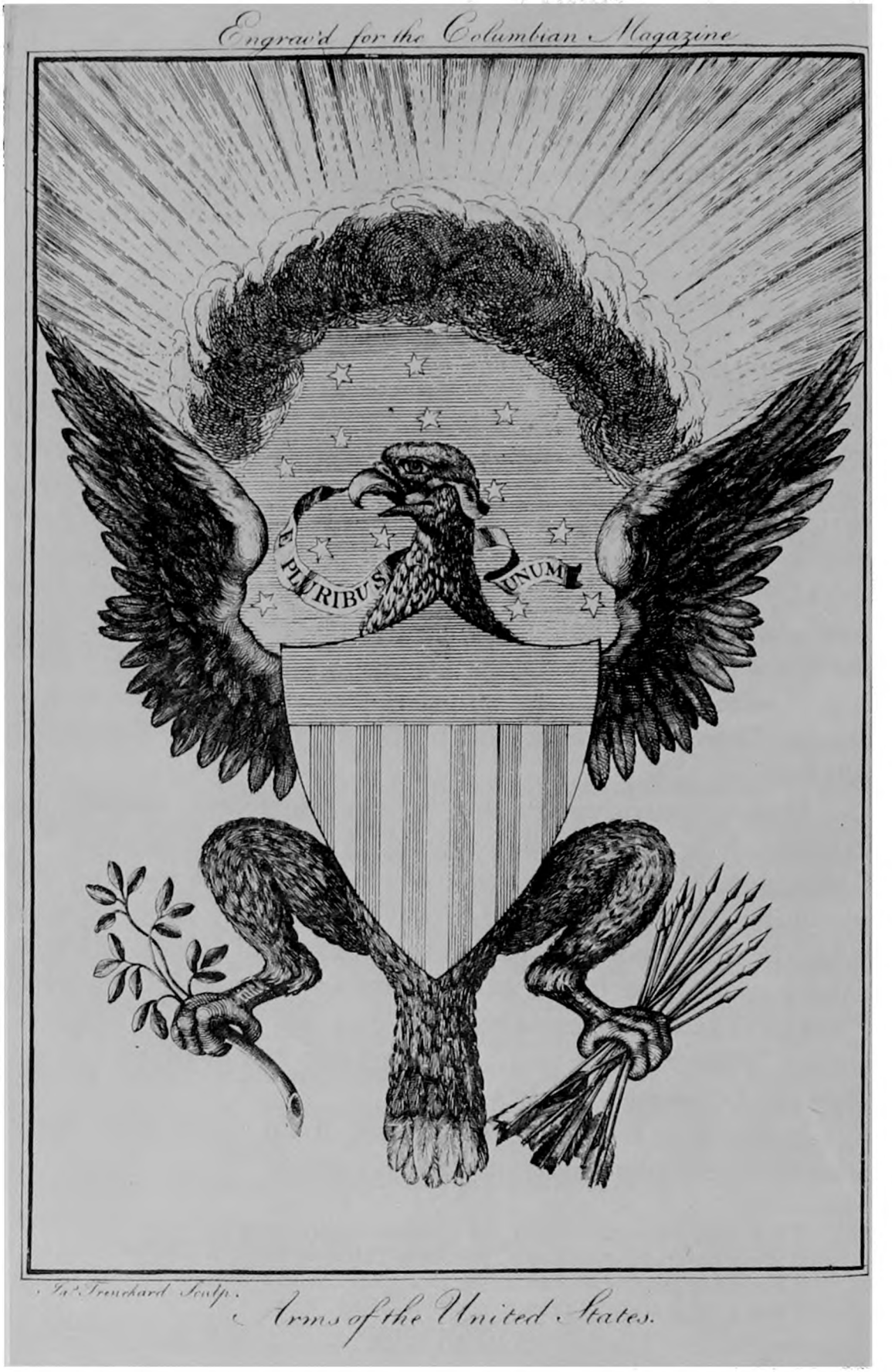
Despite extensive searches in the nineteenth century, no example of the medal could be found. Professor Jules Marcou,[15] of Cambridge, Massachusetts, succeeded, however, in locating and obtaining "the original lead proof" from Dupré's son. Marcou made the lead proof available to the United States Mint at Philadelphia, and from it the Mint reproduced the lost Diplomatic Medal.[16] The engraving of the new dies was done by Charles E. Barber.[17] The reproduction was completed and available for the centennial celebration, July 4, 1876.

It has been said that Dupré's use of the Great Seal "set a continuing precedent for United States coinage."[18]

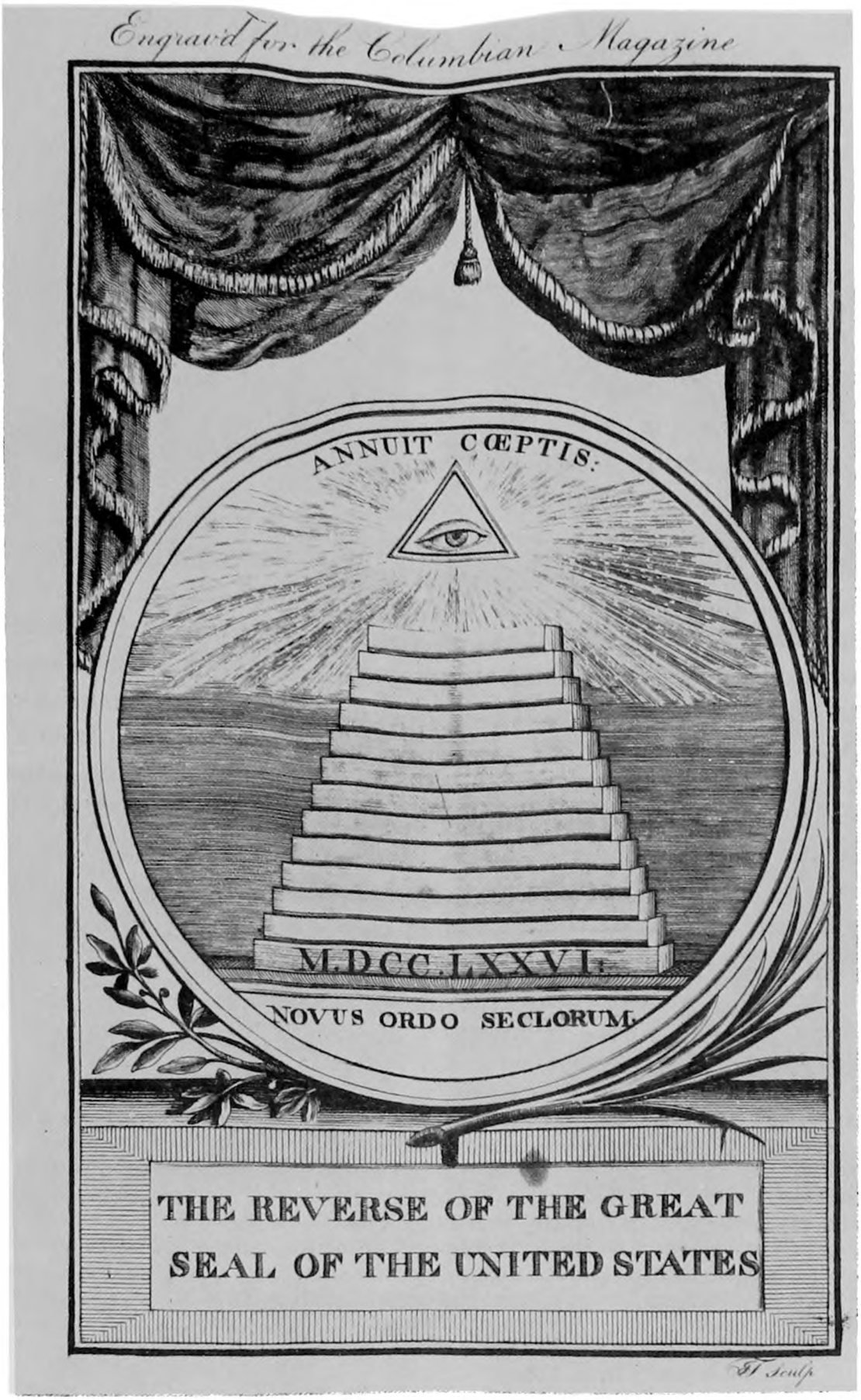
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[12] For a biographical sketch, see *Dictionnaire de biographie française*, XII, 519.
[13] For a biographical sketch, see *Biographie universelle*, XXV, 540–541.
[14] For a biographical sketch, see *ibid.*, XXIX, 482–484.
[15] For a biographical sketch, see *Dict. Amer. Biog.*, XII, 272.
[16] The Mint now includes reproductions of the medal in its catalog of medals available for purchase.
[17] For a biographical sketch, see *Natl. Cyclo. Amer. Biog.*, XVI, 182.
[18] Isaacson, *American Eagle*, p. 138.

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63. The Trenchard Realization (1786) of the Obverse



64. The Trenchard Realization (1786) of the Reverse

For a picture of the reverse of the Diplomatic Medal, see illustration 65.[19]

Indian Peace Medals During Washington's Administration

Before the Revolutionary War it had been the practice of the British, French, and Spanish authorities in North America to present "peace medals" from time to time to Indian chiefs. The governors of some of the newly independent States continued the practice, and mention has been made of the fact that Thomas Jefferson, while Governor of Virginia, ordered a number of Indian peace medals from the engraver Robert Scot.[20]

Upon the inauguration of government under the Constitution in 1789, the Federal Government began to present Indian peace medals, and those executed during Washington's administration had the coat of arms of the United States (that is, the device of the obverse of the Great Seal) on the reverse side. The obverse of the Washington medals portrayed an Indian chief with a pipe of peace and either a female figure representing America (on the earliest medals) or Washington himself (on later examples). The obverse also included the year in arabic numerals below the design. The medals were made in different sizes, mostly on sheets of silver, and, as they were to be worn on a chain, they had loops attached by which they could be suspended. The medals were individually engraved, and surviving examples—the work of several different engravers—show many variations in design and construction.[21]

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[19] For accounts of the Diplomatic Medal, see Jefferson, *Papers* (Boyd, ed.), XVI, xli–xlii and plates XXII–XXIX; Loubat, *Medallic History*, I, 115–126, and plate XX in vol. II; Failor and Hayden, *Medals of the U.S. Mint*, p. 242; Johnston, *Visit to the Cabinet of the U.S. Mint*, pp. 78–82; Zigrosser, "Medallic Sketches of Augustin Dupré". The obverse of the Diplomatic Medal, not shown in the present volume, bears the legend "To Peace and Commerce"; Failor and Hayden describe it as follows: "America, personified as an Indian queen, holds in her left hand the cornucopia of abundance (Peace) and welcomes Mercury (Commerce) to her shores. Her right hand directs attention to American products, packed ready for export. *Exergue:* IV JUL. MDCCLXXVI." The obverse is illustrated in the first three of the works cited in this footnote.

[20] See Chapter VII, p. 116.

[21] Prucha, *Indian Peace Medals*, pp. xiii, 73–74.



65. Reverse of the Diplomatic Medal, 1792



66. Reverse of the Bicentennial Medal, 1976





67. Obverse (*left*) and Reverse (*right*) of the Great Seal Centennial Medal, 1882

The Great Seal design as engraved on four Indian peace medals—one each from the years 1789, 1792, 1793, and 1795—is shown in illustrations 68 and 69.[22] The engravers had probably not seen either the Great Seal die of 1782 or an impression from that die, and the designs all appear to owe their inspiration to the Trenchard engraving of 1786 mentioned earlier in this chapter.

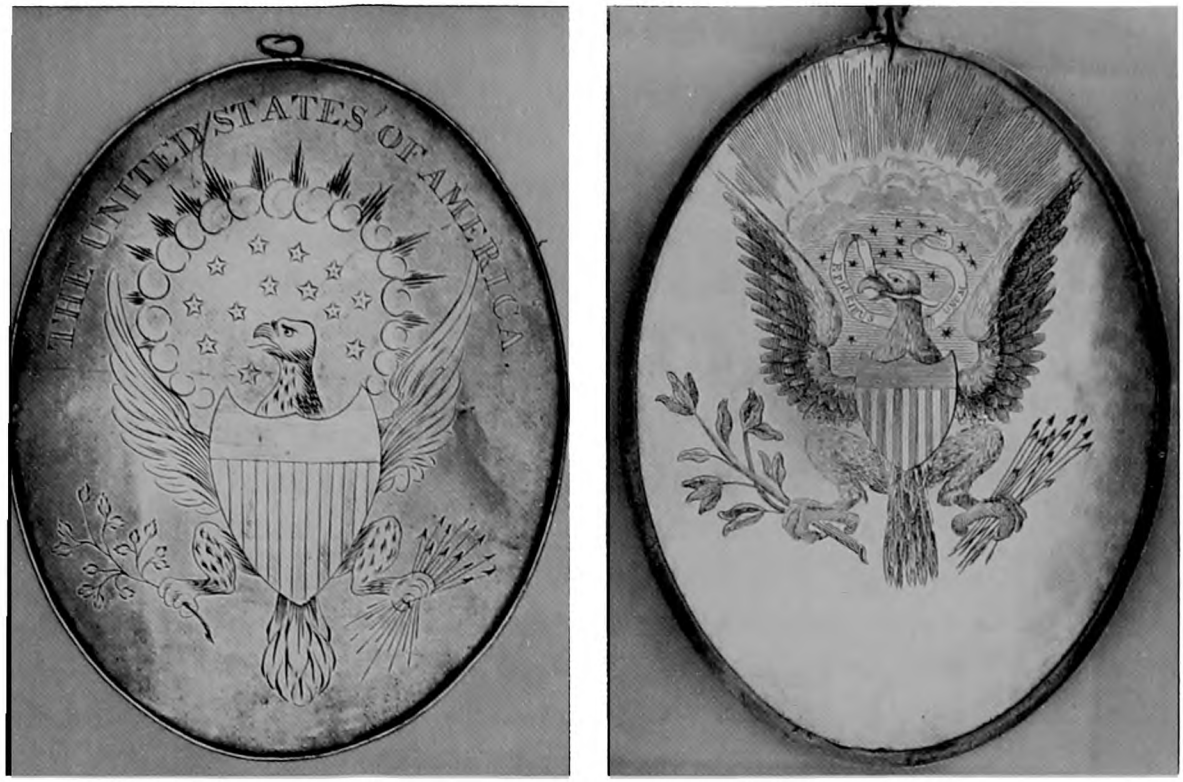
The 1789 example omits the motto *E Pluribus Unum* but includes a legend, "The United States of America", in the border, while the three later examples include the motto and omit the legend. Both the 1789 and 1792 examples follow Trenchard in using thirteen five-pointed stars, but those of 1793 and 1795 (both bearing the maker's mark of Joseph Richardson, of Philadelphia) have six-pointed stars in the crest. The 1795 example has fifteen of these six-pointed stars, representing the number of States then in the Union, but the example dated 1793 has only fourteen stars, even though there had been fifteen States since the admission of Kentucky in 1792.[23] This may have been an error on the part of the engraver, or the medal, except for its date, may have been prepared earlier when there were only fourteen States but not completed and presented until 1793. In any case, increasing the number of stars violated the Great Seal blazon, which remained unchanged in prescribing thirteen.

A medal of fine workmanship, engraved to commemorate specifically the Treaty of Greenville, signed August 3, 1795,[24] bore the coat of arms of the United States on *both* obverse and reverse. It had an unusual arrangement of the motto on three separate segments of ribbon above the eagle's head, and it showed fifteen vertical stripes on the shield. As it bore the exact date of the treaty, it must have been prepared (or completed) somewhat later, and, although it was once owned by a descendant of one

[22] The obverse faces of these four medals are illustrated in Prucha, *Indian Peace Medals*, pp. 75, 78, 82, 86. Prucha also illustrates some other Washington medals (pp. 76–77, 80–81, 84–85, 87) and other Indian peace medals both earlier and later than the Washington administration.

[23] One style of peace medal also showed fifteen vertical stripes on the shield. Prucha, *Indian Peace Medals*, p. 73.

[24] *American State Papers: Indian Affairs*, I, 562–563.



68. Indian Peace Medals of 1789 (*left*) and 1792 (*right*)



69. Indian Peace Medals of 1793 (*left*) and 1795 (*right*)

of the chiefs who signed the treaty, there is some doubt that it was an official medal.[25]

Indian peace medals continued to be presented until 1896,[26] but the design of the medals was radically changed after 1795, and none of the later medals bore the device of the Great Seal.[27]

Lossing's Drawing of the Reverse

In the July 1856 issue of *Harper's New Monthly Magazine* [28] there was printed a realization of the blazon of the reverse of the Great Seal which was to influence most later drawings of the reverse. It accompanied an article on the Great Seal by Benson J. Lossing,[29] and, since Lossing was an artist as well as a writer and historian, it is likely that he drew it himself.[30] Lossing's realization is reproduced here as illustration 70.

Whereas William Barton, in his proposal upon which the final blazon of the reverse was based,[31] had used a stepped pyramid of thirteen courses of stone, the sides of Lossing's pyramid were smooth, and the thirteen courses were placed above a base on which the date "MDCCLXXVI" appeared. And whereas Barton had drawn a right human eye in the space above the pyramid, Lossing depicted a left eye, starting a tradition that has persisted down to the realization of the reverse used by the Department of State today (see illustration 73). Lossing also used rather deep perspective, showing some of the side of the pyramid to the viewer's left receding into the distance, and he filled in the surface of the ground around the pyramid with flora which he

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[25] Prucha, *Indian Peace Medals*, p. 74. The Treaty of Greenville Medal, now in the Hist. Society of Pa., is illustrated *ibid.*, p. 88.

[26] *Ibid.*, p. 68.

[27] For information on and illustrations of later peace medals, see *ibid.*, pp. 92–134; Failor and Hayden, *Medals of the U.S. Mint*, pp. 8–37, 238–240.

[28] P. 184.

[29] Lossing and his *Harper's* article are discussed in Chapter VI, pp. 105 ff.

[30] He stated specifically that he had drawn other illustrations for the article (Lossing, "Great Seal", p. 179*n.*), and there was no realization of the reverse in the official files for him to copy. He seems not to have been influenced by Trenchard's 1786 realization of the reverse (illustration 64).

[31] See Chapter IV, p. 64, and illustration 12.

did not identify in the accompanying text. Both mottoes were arranged in arcs to fit within the circular frame.[32]

In view of the artistic merit of the drawing and its later influence, the Lossing realization of the reverse can be paired with the much later Hunt print of the obverse (illustration 71) to provide a classic representation in black and white of the complete blazon of the Great Seal.

The Great Seal Centennial Medal

Mention has already been made of the efforts of Charles A. L. Totten, the recommendation of A. Loudon Snowden, Director of the Mint at Philadelphia, and the final decision of Secretary of the Treasury Charles J. Folger which led to the issuance in 1882 of a medal to commemorate the centennial of the adoption of the device of the Great Seal by the Continental Congress on June 20, 1782.[33] The medal was struck by the Philadelphia Mint from dies engraved by Charles E. Barber,[34] the recently appointed chief engraver of the Mint, whose name has since been linked with a number of designs for the United States coinage.

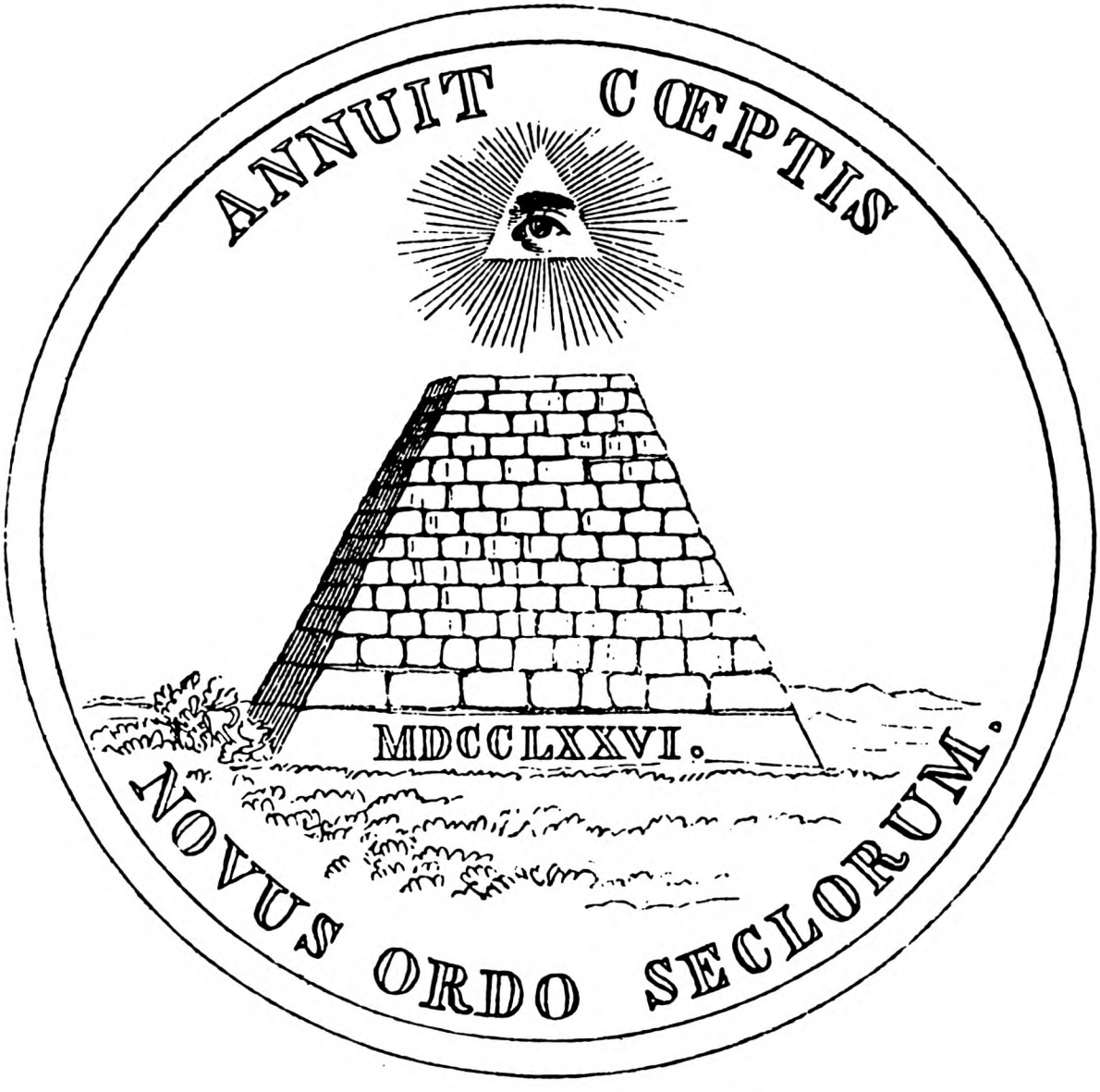
In designing the obverse of the Great Seal Centennial Medal, Barber did not turn to any actual die of the seal or to any actual impression from a die, but instead combined elements from two representations of the seal blazon: (1) Dupré's design for the Diplomatic Medal (see illustration 65), from which Barber himself had prepared dies for the Mint in 1876, and (2) Trenchard's 1786 realization (see illustration 63). From Dupré, Barber copied the head, wings, legs, and tail of the eagle and the shape of the

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[32] The surviving Tiffany drawing of the reverse (illustration 39) followed Lossing's general design and most of his details, but placed the lower motto, *Novus Ordo Seclorum*, on a scroll and omitted the base for the pyramid, placing the date on the lowest of the thirteen courses of stone. The colored realization of the reverse which was printed facing p. 24 in Hunt, *Seal* (1892), also followed Lossing's general design and many of his details, but it likewise placed the lower motto on a scroll; it omitted the base for the pyramid; it placed the date (in a different style of lettering) on the lowest of the thirteen courses of stone; and it used sparser plant life at the front and sides of the pyramid. Later Dept. of State publications have followed the 1892 realization, which may have been prepared from both the Lossing and the Tiffany drawings.

[33] See Chapter XII, pp. 233–235.

[34] Concerning Barber, see *supra*, p. 389.



70. The Lossing Realization (1856) of the Reverse



71. Hunt's Print (1909) of the Obverse

scroll carrying the motto *E Pluribus Unum*. From Trenchard he copied closely the arrangement of sixteen leaves on the olive branch and, somewhat more freely, the shape of the shield and the arrangement of the five-pointed stars, the cloud, and the glory in the crest.

Barber's reverse for the Centennial Medal is the only prominent realization after 1856 that did not draw heavily upon the Lossing reverse described in the preceding section of this chapter. Instead, Barber used as his model Trenchard's 1786 reverse (see illustration 64), copying from it the stepped and steeply pitched pyramid, the right eye in the triangle, the placement of the lower motto in a horizontal line, and the lack of any ground cover. What little perspective there was, showed a suggestion of the side of the pyramid to the viewer's right receding into the distance, as in Trenchard. Flanking the pyramid Barber placed the dates "1782" and "1882". It should be noted that Barber's reverse was the first realization of the blazon of the reverse of the Great Seal to be issued officially by the United States Government.

For photographs of the obverse and reverse of the Great Seal Centennial Medal, see illustration 67.[35]

Graham's Chromolithograph of the Obverse

Hanging in the Presidential Commissions office of the Department of State, in the immediate office of its chief, Mrs. Bernice C. Renn, is a framed example of what is probably the earliest and most handsome large color reproduction of the obverse of the Great Seal as redesigned in 1885. About 18 inches in diameter,[36] this chromolithograph bears at the bottom of its border the identity of the lithographer—Andrew B. Graham, of Washington, D.C.

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[35] The Mint now includes reproductions of this medal in its catalog of medals available for purchase. This medal is not to be confused with the medals privately struck by the Van Brook Mint, of Lexington, Ky., showing the devices of three different dies of the Great Seal with encircling legends, e.g., "United States of America 1841 Great Seal 1903". See *Philadelphia Inquirer*, Sept. 2, 1973, p. 7K.

[36] The Graham realization is not quite circular: the horizontal axis measures 18 inches within the border, but the vertical axis measures only 17¾ inches.



72. The Graham Realization in Color (*circa* 1890) of the Obverse of the Great Seal



73. The Teagle & Little Realization (1972) of the Reverse of the Great Seal

Graham, formerly an employee of the United States Coast and Geodetic Survey, is first listed in the Washington city directory as an independent lithographer in 1888. His business was located at 1230 Pennsylvania Avenue Northwest from then until 1903. In the 1904 directory he is shown as secretary-treasurer of the National Engraving Company, and beginning in 1905 he is carried as president of the Andrew B. Graham Company, with a business address at or near 14th and E Streets Northwest.[37]

Very little is known about this example of the Graham lithograph of the seal except that it was hanging in the office of Percy F. Allen, then the custodian of the Great Seal, when Mrs. Clydia Mae Richardson started work in Allen's office in 1934; [38] it probably had decorated the office of the keeper of the seal for some decades before that. It cannot be dated exactly, but it must have been executed between about 1888 and about 1903, after which it is thought that Graham's work bore the name of his firm rather than his name as an individual. In all likelihood it dates from the 1890's,[39] and, having been produced soon after the Great Seal was redesigned, it may show better than any other reproduction what those responsible for the new design had in mind with respect to color.

A reproduction in color of Graham's chromolithograph is printed here as illustration 72. It is paired with a realization of the reverse, in color, that was prepared for the Department of State in 1972 by Teagle & Little, Incorporated, of Norfolk, Virginia (see illustration 73).

Hunt's Print of the Obverse

While Graham's realization of the Great Seal obverse was produced when the Tiffany die of 1885 was in use, it serves equally well as a color print of the Zeitler die of 1904, since the only major change in the new die was the introduction of dots and lines in the crest to represent gold (*or*) and blue (*azure*), and in a color

[37] Boyd, *Directory of D.C.*, 1885–1910, particularly the issues of 1888, p. 431; 1903, p. 477; 1904, p. 468; 1905, p. 471.

[38] Information supplied by Mrs. Richardson, July 15, 1976.

[39] A similar but larger Graham chromolithograph of the seal obverse in the Prints and Photographs Division, L.C., has been dated between 1885 and 1900 by the staff of that division.

print these dots and lines are omitted and actual color is used instead. In black-and-white printing, however, heraldic colors are shown by conventional patterns of lines and dots, so Gaillard Hunt, when he was preparing his *History of the Seal of the United States* in 1909, had to have a new drawing if he was to include in that book an illustration, in black and white, of the design of the Zeitler die.

The black-and-white print of the obverse which Hunt actually included in his 1909 publication, facing page 63, is here reprinted as illustration 71. No documentation has been found to indicate who prepared this drawing, but its precision of detail is remarkable, and no other black-and-white print of the obverse published since 1909 rivals Hunt's print for accuracy, clarity, detail, and artistic excellence. Indeed, the print published by Hunt is so fine that one suspects that it may have been Max Zeitler's final working drawing for the die of 1904. It must be presumed that Zeitler had such a drawing, which has not been found, and Hunt in 1909 could well have been in touch with Zeitler. This is at least a possible explanation of the origin of Hunt's print.

The Great Seal on the Dollar Bill

Undoubtedly more Americans see the design of the Great Seal—obverse and reverse—on the back of the dollar bill than in any other form. Former Vice President Henry A. Wallace has taken credit for making the suggestion which eventually led in 1935 to the inclusion of the seal design on the dollar bill —a claim that cannot be verified in official records. Wallace later recorded his recollection of the sequence of events as follows:

> In 1934 when I was Sec. of Agriculture I was waiting in the outer office of Secretary Hull [40] and as I waited I amused myself by picking up a State Department publication which was on a stand there entitled, "The History of the Seal of the United States".[41] Turning to page 53 I noted the colored reproduction of the reverse side of the Seal. The Latin phrase Novus Ordo Seclorum impressed me as meaning the New Deal of the Ages. Therefore I took the publication to President Roosevelt and sug-

[40] Secretary of State Cordell Hull.
[41] The reference is to Gaillard Hunt's 1909 publication with that title.

gested a coin be put out with the obverse and reverse sides of the Seal. Roosevelt as he looked at [the] colored reproduction of the Seal was first struck with the representation of the "All-Seeing Eye", a Masonic representation of The Great Architect of the Universe.[42] Next he was impressed with the idea that the foundation for the new order of the ages had been laid in 1776 but that it would be completed only under the eye of the Great Architect. Roosevelt like myself was a 32nd degree Mason. He suggested that the Seal be put out on the dollar bill rather than a coin and took the matter up with the Secretary of the Treasury.[43] When the first draft came back from the Treasury the obverse side was on the left of the bill as is heraldic practice. Roosevelt insisted that the order be reversed so that the phrase "of the United States" would be under the obverse side of the Seal. I believe he was also responsible for introducing the word "Great" in the phrase "The Great Seal" as it is found under the reverse side of the Seal on the left of our dollar bills. Roosevelt was a great stickler for details and loved playing with them, no matter whether it involved the architecture of a house, a post office or a dollar bill.[44]

Still later, in a 1955 letter to Secretary of the Treasury George M. Humphrey,[45] Wallace added some further details:

> . . . I . . . was struck by the fact that the reverse side of the Seal had never been used. I called it to Roosevelt's attention. He brought it up in Cabinet meeting and asked James Farley [46] if he thought the Catholics would have any objection to the "All Seeing Eye" which he as a Mason looked on as a Masonic symbol of Deity. Farley said "no, there would be no objection."
>
> Henry Morgenthau gave me a dollar bill on Dec. 20, 1935, writing on it that I had given him the idea. Actually I merely called to Roosevelt's attention the State Department Publication and did not work through Morgenthau at all.[47]

A search in the papers of Roosevelt and Morgenthau has disclosed no documentation that would either support or cast

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[42] Cf. Chapter XX, pp. 529–532.

[43] Henry Morgenthau, Jr. For biographical sketches, see *Who Was Who in America*, IV, 678; *Current Biography*, 1940, pp. 594–596.

[44] Letter from Wallace to Dal Lee, of Marion Station, Md., Feb. 6, 1951, Henry A. Wallace Papers, University of Iowa, Iowa City. A few typographical errors in the letter have been corrected. Its full text is printed in Hieronimus, *Two Great Seals*, p. 39.

[45] For biographical sketches, see *Who Was Who in America*, V, 356–357; *Current Biography*, 1953, pp. 286–288.

[46] Farley was Postmaster General and a Roman Catholic. For a biographical sketch, see *Current Biography*, 1944, pp. 196–200.

[47] Letter from Wallace to Humphrey, Dec. 10, 1955, Henry A. Wallace Papers, University of Iowa. The full text of this letter is printed in Hieronimus, *Two Great Seals*, p. 40.

doubt on the accuracy of Wallace's memory.[48] Official records of the Office of the Secretary of the Treasury likewise do not mention Wallace in connection with the 1935 silver certificate. They do refer, however, to unnamed Cabinet officers and President Roosevelt, and their rather guarded language is not incompatible with Wallace's recollections quoted above—except that they state that Morgenthau received suggestions from a number of sources, whereas Wallace seemed to think that he alone was responsible for the new design of the dollar bill. Writing early in 1936, one of Morgenthau's assistants stated the official Treasury position on this question as follows:

> . . . Our records show that a number of suggestions were made, both verbally and in writing, to Secretary Morgenthau as to the use in some form of the reverse of the Great Seal as a complement of the better known obverse. . . . Incidentally, two of the letters bore exactly the same date, which suggests the difficulty of attempting to determine definitely to whom the honor is due of having made the first suggestion.
>
> In addition, I understand that suggestions as to some official use of the reverse of the Seal were made to President Roosevelt and to at least two members of his cabinet, in addition to Secretary Morgenthau. The same question has been up in previous administrations and I am informed that in 1892 the State Department prepared an emblazonment showing the reverse of the Seal, intended for the Columbian Exposition, but never exhibited.[49]

The individuals who had made suggestions are not identified either in this letter or in the papers filed with it, and the letters referred to have not been found.[50] Whatever the source or sources

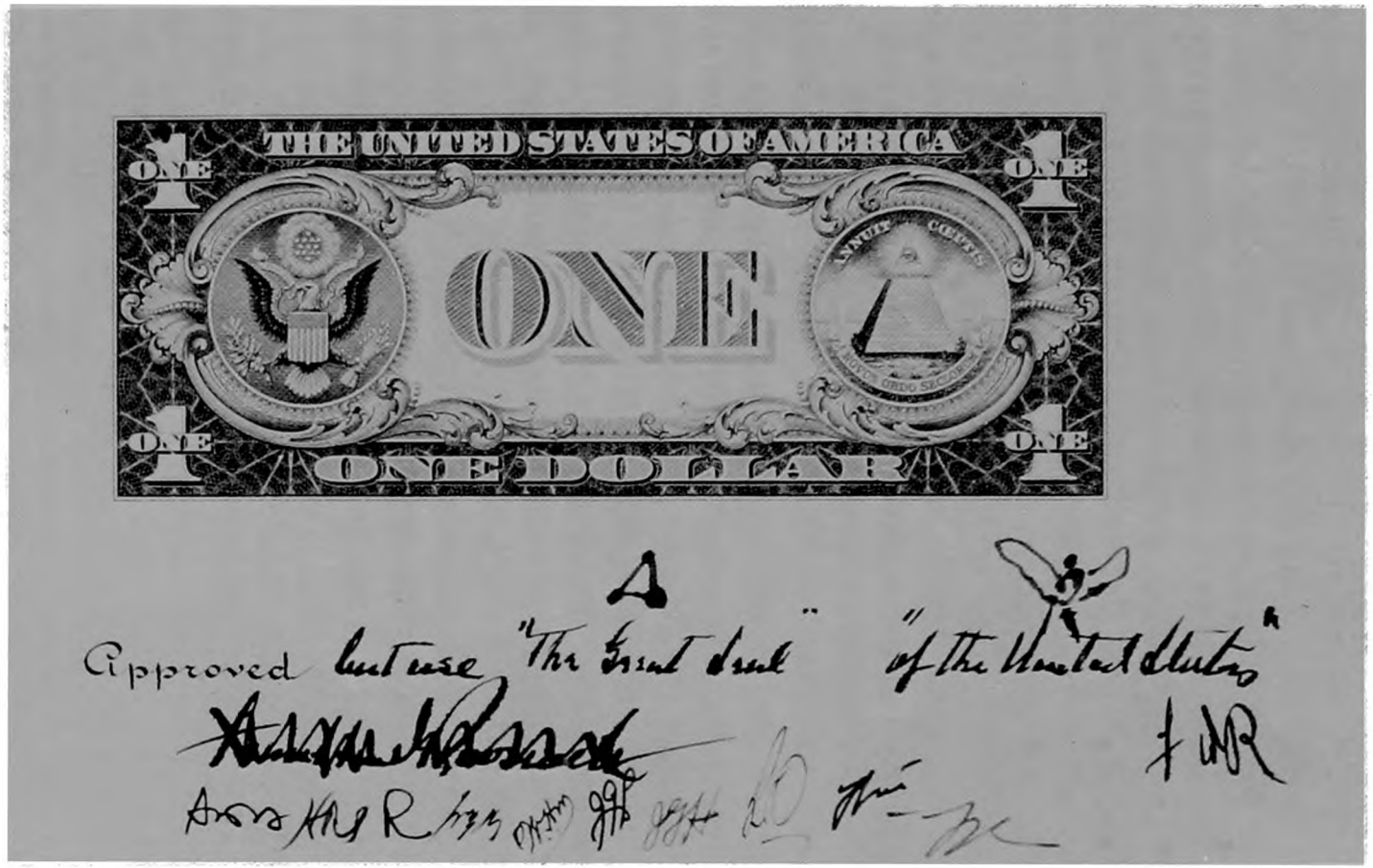
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[48] The coauthor is indebted to Dr. William R. Emerson, Director, Franklin D. Roosevelt Library, Hyde Park, for having a search made for relevant materials in that library.

[49] Letter from Herbert E. Gaston, Assistant to the Secretary of the Treasury, to the director of the Haskin Information Service, of Washington, Jan. 22, 1936, in folder "Bank Notes and Currency—Design on Back of $1 Silver Certificates", General Correspondence, Office of the Secretary of the Treasury, R.G. 56, N.A.

[50] A search for the identity of these individuals was made not only in papers in R.G. 56, N.A., but also in records of the Office of the Secretary of the Treasury recalled temporarily from the Federal Records Center, Suitland, Md., through the courtesy of Mr. John P. Heard, Chief, Document Management Branch, Dept. of the Treasury. The coauthor was informed on June 13, 1977, by Mr. Herbert T. Krisak, Superintendent, Management Services Division, Bureau of Engraving and Printing, that that bureau's records had been thoroughly searched on this question, and that they contained nothing that would throw light on the origin of the 1935 $1 silver certificate—either why it was decided to change the design or who had suggested using the Great Seal device on the new design.

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74. Model of the Back of the Dollar Bill (Series 1935), With President Roosevelt's Annotations

of the idea, the Bureau of Engraving and Printing had completed a new design for the $1 silver certificate by mid-1935.

A photograph of the model of the back of the dollar bill on which Roosevelt made the changes referred to by Wallace is printed in this volume as illustration 74. The model is endorsed "Received by the Engraving Division June 26, 1935". It will be noted that the President first approved the model, but then scratched out his notation of approval. To indicate his proposed reversal of the two faces of the Great Seal, he drew in the lower margin of the model, at the right, a very rough eagle (identifiable principally by the displayed wings) and, in the margin farther to the left, a triangle to represent the pyramid. He indicated that the legend "The Great Seal" was to be placed under the pyramid, and "of the United States" was to appear under the eagle as relocated. Subject to these changes, he gave his approval to the model. A revised model in line with these instructions was then prepared and submitted to the President for final approval; a photograph of the revised model, with Morgenthau's "OK" and Roosevelt's signature giving approval, is printed in a centennial history of the Bureau of Engraving and Printing.[51] The approved model bears the date July 2, 1935, but Roosevelt's approval seems to have been given the preceding day, as Morgenthau's diary entry for July 1 recorded that the President had "o.k'd the new $1.00 bill with the Great Seal on it".[52]

The Bureau of Engraving and Printing has supplied the following information with respect to the individuals responsible for the representation of the Great Seal as it appears on the dollar bill:

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[51] U.S. Bureau of Engraving and Printing, *History of the Bureau of Engraving and Printing, 1862–1962*, p. 123.

[52] Morgenthau Diary, VIII, 2, Papers of Henry Morgenthau, Jr., Franklin D. Roosevelt Library, Hyde Park. U.S. Dept. of the Treasury Press Releases Nos. 5–59, Aug. 15, 1935, and 6–42, Dec. 11, 1935, giving information on the new dollar bill, are in folder "Bank Notes and Currency—Design on Back of $1 Silver Certificates", General Correspondence, Office of the Secretary of the Treasury, R.G. 56, N.A.; see also Morgenthau Papers, vol. V, Press Releases, Roosevelt Library. For public statements by Morgenthau on this subject, Aug. 15 and Sept. 11, 1935, see Morgenthau Papers, IV, 177–178, and X, 15, Roosevelt Library. Prints of two newsreel films containing footage on the new dollar bill (Nos. 201–54–1 and 201–153) are available both in the Roosevelt Library and in the Motion Picture and Microfilm Branch, N.A.

The model was designed by Edward M. Weeks. The original die was engraved as follows: Joachim Benzing engraved the reverse of the Great Seal; R. Ponickau engraved the obverse of the Great Seal; Donald R. McLeod, Edward M. Hall and William B. Wells engraved the lettering.[53]

The Bicentennial Medal

Congress, by an act approved February 15, 1972, provided that a "national medal shall be struck commemorating the year 1776 and its significance to American independence".[54] The brochure announcing availability of the medal summarized the responsibility for its design as follows:

> The design for the medal, with its symbols of liberty and freedom, The Statue of Liberty and The Great Seal, took shape under the creative and talented hands of Frank Gasparro, Chief Engraver, United States Mint. Final approval of its design came jointly from the American Revolution Bicentennial Administration and the Secretary of the Treasury on behalf of the United States Government.[55]

Seven versions of the National Bicentennial Medal were struck by the Mint, but all had the same design. The obverse showed the upper portion of the Statue of Liberty, flanked by the dates "1776" and "1976" and surrounded by a ring of fifty stars, one for each State. The words "Life Liberty and the Pursuit of Happiness", from the Declaration of Independence, also appeared on the obverse. The central design of the reverse was a representation, in relief, of the obverse of the Great Seal. Two inscriptions were placed in arcs between the seal design and the rim of the medal, separated by the official symbol of the American Revolution Bicentennial placed near the olive branch and the arrows. The upper inscription was "American Revolution Bicentennial"; the lower was "We the People", the opening words of the Constitution of the United States.

Gold medals were struck in three sizes: 3 inches in diameter (struck to order only), 1 5/16 inches in diameter, and just over 9/10

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[53] Letter from Mr. Edward R. Felver, Chief, Office of Engraving, to Fredrick Aandahl, Office of the Historian, Dept. of State, Feb. 24, 1977, in the files of the Office of the Historian. Concerning the fourteen cloud puffs on the obverse of the seal as engraved on the $1 bill, see Chapter XVIII, p. 487*n*.

[54] 86 Stat. 37.

[55] American Revolution Bicentennial Administration, *National Bicentennial Medal*, first page of text.

of an inch in diameter. A 3-inch sterling silver medal was also available, and a 1½-inch size was prepared in sterling silver, gold-plated bronze, and bronze. The price of the medals, which were on sale only through July 31, 1976, ranged from $4,000 each for the large gold examples to $5 each for the small bronze.[56]

A photograph of the reverse of a 3-inch silver National Bicentennial Medal is shown as illustration 66.

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[56] American Revolution Bicentennial Administration, *National Bicentennial Medal*, second, third, and fourth pages of text. Both the obverse and reverse faces of the medal are illustrated in this brochure.

Chapter XVI

THE SEAL OF THE PRESIDENT

Most notable offspring from the Great Seal is the seal of the President of the United States. The origin of this seal in the device of the Great Seal is readily apparent, yet major differences distinguish them. Because of their kinship, an account of the President's seal properly forms part of the story of the Great Seal.

Unlike most seals of the Federal Government, the President's seal derives not from statute but from use, custom, and tradition. Its early history remains obscure. The later Presidents of the Continental Congress may possibly have had an official seal, but this is by no means certain,[1] and, if they had one, there is no evidence that it was passed on to President George Washington and his successors.

If the early Presidents of the United States possessed and used a Presidential seal, memory and record of it have since been lost. One would suppose impressions from such a seal would survive somewhere among collections of Presidential papers or other correspondence and records, but searches have failed to reveal anything more than two possible clues, discussed below.

The Mystery of George Washington and the "Dorsett Seal"

One day in early June 1894 a young man named Palemon Howard Dorsett, who had come to Washington from Illinois three years before to take a position with the Department of Agriculture, presented himself at the entrance to the south wing of the State, War, and Navy Building, at 17th Street and New

[1] See Chapter XX, pp. 562–566.

York Avenue Northwest. In the building Dorsett sought out Gaillard Hunt, of the Department of State, a man about his own age, whose brochure entitled *The Seal of the United States* had been published in 1892. Dorsett showed Hunt a metal die incised with the arms of the United States and told him of its having been handed down in his family from a kinsman who had received it from a nephew of George Washington.

Hunt examined the die and wrote the following memorandum about it, dated June 2, 1894, which he handed to Dorsett:

> This seal is almost identical with the first seal, cut in 1782. The differences are:
>
> The wings are more displayed in this seal.
>
> The arrows are in the sinister talon—not the dexter talon as in the official seal.
>
> The lines are deeper. It is cut on the same metal and no other seal is as much like the first seal.
>
> In the President's seal, as used now, the arrows are in the sinister talon as in this seal.
>
> It is fair to presume that this seal is contemporaneous with the seal of 1782; that it was cut officially and probably for the President of Congress from whom it would naturally have passed to the President of the United States.[2]

Hunt's memorandum is in error in saying that the arrows of the Dorsett seal are "in the sinister talon", for they are in the dexter, whereas the arrows of the Great Seal—and likewise those of the President's seal—are in the eagle's sinister talon. Furthermore, Hunt's guess that the Dorsett seal was cut for the President of the Continental Congress is wide of the mark. There is no evidence of any kind to connect that seal with the President of Congress. Even if it had belonged to that officer, however, it could not "naturally have passed to the President of the United States". An act of Congress [3] was required to make "the Great Seal of the United States in Congress assembled" available for President Washington's use.

Hunt took no further interest in the matter. Dorsett's curiosity, however, led him eventually to continue his search.

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[2] Photostat in the author's files. Concerning Hunt, see Chapter XII, pp. 286–287.

[3] 1 Stat. 68, Sept. 15, 1789.

On June 9, 1932, he went to the National Museum "to try and get additional information", but to no avail. On March 9, 1936, he addressed a letter to Secretary of State Cordell Hull that included these paragraphs:

> This Seal has been in the possession of the Dorsett family for more than a century. From earliest childhood I recall innumerable occasions when the Seal was under discussion, that my parents invariably stated that it was given to Jim Starr, a nephew of Grandmother Winchester, on my mother's side, by a nephew of General Washington, and that the two young men were very warm personal friends.
>
> When Mr. Starr's mother died the Seal reverted to my grandmother, Mrs. Julia E. Winchester, who was living with us. At grandmother's death it passed to father and mother, and at their death it reverted to me.
>
> In June, 1894, several years after my arrival in Washington to enter the service of the United States Department of Agriculture, I took the Seal to the State Department for the purpose of having it authenticated, if possible. . . .[4]

In due course this letter reached the desk of Hunter Miller, then the Department's Historical Adviser. In response to Miller's invitation of March 17, Dorsett called at the Department on March 23, told what he knew about the seal die, and left it with Miller, together with Hunt's memorandum and seven pages of typewritten genealogical material, for examination and subsequent return.

As for Dorsett himself, he was born in Carlinville, Illinois, April 21, 1862, son of William Newman and Laura Oceola (Winchester) Dorsett. He received a Bachelor of Arts degree from the University of Missouri in 1884. In 1891 he began a career in the Department of Agriculture, where his specialty was the introduction of foreign plants into the United States. In Columbia, Missouri, on September 12, 1892, he married Mary Virginia, daughter of James and Cynthia Payne. He was one of the founders of the Agriculture Department's Plant Introduction Service. Commencing in 1914, he traveled widely, sending back plants and seeds from various parts of the world. As perhaps his most notable achievement, on an expedition to China, 1924–1926, and on

[4] File 811.0158/262, D.S., R.G. 59, entry 196, N.A.

another to Japan, Korea, Manchuria, and northern China, 1929–1931, he collected more than two thousand strains and varieties of soy beans, which were used for experimental purposes. Dorsett served the Department of Agriculture for forty-one years, most of the time as a senior horticulturist, retiring in 1932 at the age of seventy. He remained active without compensation, however, as an adviser to the Department, making his home at Bell, near Glenn Dale, Maryland. On June 13, 1936, the Council of the American Genetic Association awarded him the Frank N. Meyer Medal.[5] This was shortly after his meeting with Miller at the Department of State.

Miller initiated various lines of investigation. Examination of the die showed it to be $2\frac{5}{16}$ inches in diameter and $\frac{3}{8}$ of an inch thick, its back a solid flat surface, with no handle or place for attaching one and no evident provision for fixing it in a press. On April 17, 1936, the Division of Chemistry of the Bureau of Standards analyzed a "whisker" of metal taken from the die and reported it to be of "copper and tin"—that is, bronze.

Comparison of an impression from the Dorsett seal with one from the Great Seal die of 1782 reveals some striking resemblances. The two are of exactly the same diameter; the encircling ornamental borders are similar; and the general arrangement of the device on the Dorsett seal shows unmistakably that it was copied from that of the seal of 1782. There are differences, however, and at least some of them are improvements. The engraving of the Dorsett seal is more spirited and vigorous. The eagle is a sturdier and livelier bird; its wings are more widely extended—more like those of the eagle on the present Great Seal; its neck and legs are more fully developed; its feathering is more detailed; and the tail shows nine instead of seven feathers—anticipating the nine of the present Great Seal.

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[5] *Who Was Who in America*, IV, 259. Photostat of Dorsett's typewritten genealogical notes in the author's files. Fairchild, "Award of Meyer Medal to P. H. Dorsett", pp. 307–310. *Evening Star*, Apr. 2, 1943, p. A10. Letters to the author, Aug. 14 and 30, 1973, from Dr. John A. Stevenson, Collaborator, Mycology Laboratory, Beltsville Agricultural Research Center, Beltsville, Md.

The Dorsett seal differs from that of 1782 in one conspicuous way: its olive branch and bundle of arrows are transposed.[6] In this respect it departs from the specifications of the resolution of Congress of June 20, 1782.

Searches in the records of the Department of State, in the Manuscript Division of the Library of Congress, and in the British archives among documents there sealed with the Great Seal of the United States, disclosed no impression of the Dorsett seal. It can be said with certainty that at no time was that seal ever used as the Great Seal of the United States. In fact, no impression from the Dorsett seal die has been found anywhere, except as Miller had some made in black ink on a proof press in the National Museum print shop. Searches of printed sources of various kinds, including legislative records, have failed to reveal any further information.

Dorsett stated that his seal had been in the possession of his family for more than a century and that, according to family tradition, it had been given to Jim Starr, a nephew of Dorsett's maternal grandmother, by a nephew of George Washington who was Starr's personal friend. The relevant genealogy, excerpted from the material mentioned above which Dorsett lent to Miller, is as follows:

> Benjamin Stephenson,[7] son of James S. and Dolly (Reed) Stephenson; born in Bucks County, Pennsylvania, July 8, 1769; died at Edwardsville, Illinois, October 10, 1822; married, November 1803, Lucy Van Swearingen. Children:
>
> (1) Julia E. Stephenson; born at Harpers Ferry, Virginia (now West Virginia), November 25, 1804; died at Columbia, Missouri, August 18, 1880; married at Edwardsville, July 16, 1820, Palemon

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[6] A similar transposition of olive branch and arrows appears on the reverse of certain coins, namely, the half dime of 1800–1805, the dime of 1798–1807, the 20-cent piece of 1875–1878, the quarter dollar of 1804–1807, the half dollar of 1801–1806, the dollars of 1798–1803 and 1804, the trade dollar of 1873–1885, the quarter eagles of 1796 and 1796–1807, the half eagle of 1795–1807, and the eagle of 1797–1804. Incidentally, the designer or co-designer of many of these coins was Robert Scot (see Chapter VII). Reed, *Encyclopedia of U.S. Coins*, pp. 132, 139, 150, 153, 168, 188, 189, 193, 206, 207, 215, 223. See also Clain-Stefanelli, *National Numismatic Collections*, p. 23, figures 30, 31.

[7] The sketch of Stephenson (who served as a Delegate from Ill. Territory, 1814–1816) in *Biog. Direc. Amer. Cong.*, p. 1750, says he was born in Ky., but gives no date.

Howard Winchester, born at Westminster, Maryland, February 11, 1794, died at Carlinville, Illinois, April 28, 1860, son of Stephen W. and Sarah (Howard) Winchester. Six children, of whom the fifth was:

(a) Laura Oceola Winchester; born at Carlinville, October 10, 1838; died at Washington, D.C., September 17, 1919; married at Carlinville, June 26, 1861, William Newman Dorsett, born in Maryland, May 6, 1833, died at Columbia, March 1, 1895. Three children, of whom the eldest was:

1. Palemon Howard Dorsett, who possessed the Dorsett seal in 1936.

(2) Elvira Amanda Stephenson; born December 1809; died at Carlinville; married, first, William E. Starr; married, second, Enoch Wall; married, third, William Maddox. Son by her first husband:

(a) Jim Starr.

According to Dorsett's account, the seal passed from Jim Starr to the latter's mother, née Elvira Amanda Stephenson, who evidently survived him. On her death it passed to her sister, Mrs. Julia E. (Stephenson) Winchester. On Mrs. Winchester's death it passed to her daughter, Mrs. Laura Oceola (Winchester) Dorsett, and on her death it passed to her son, Palemon Howard Dorsett.

Lending credence to the Dorsett story, "An Inventory &c. of Articles at Mount Vernon" that was prepared shortly after Washington's death, lists as being "In the Iron Chest . . . 1 Brass engraving of the Arms of the U. States", valued at $10.[8]

In the Manuscript Division of the Library of Congress is the record of sales held at Mount Vernon on July 21 and 22, 1802, following the death of Martha Washington. That document, which is headed "Private sales, which took place up stairs among the Legatees, to be settled on the final adjustment without interest—22^{d} July 1802", includes the following items:[9]

Sam. Washington—a seal	[$]36
W. A. Washington—one gold chain & seal	66
Mr Law—one seal with ivory handle	10
Mr Hammond—plates arms U.S.	6
W. A. Washington—seal with ivory handle	8

[8] Prussing, *Estate of George Washington*, pp. 417–418.

[9] George Washington Papers, 866, accession 2793, Ms. Div., L.C.

Three of the five items, namely, the second, third, and last, can be eliminated from consideration, because the Dorsett seal does not have and could not have had attached to it either a gold chain or an ivory handle. The first item, the seal sold to Samuel Washington for $36, is likewise eliminated, thanks to a contemporary manuscript. This is a duplicate record of the same private sales—although dated July 21. This record is preserved in a volume entitled "Book of Sales and of Mount Vernon Property", which has been in the manuscript collection at Mount Vernon since 1917. In this volume, under the heading "Private Sale 21st July 1802", the item in question is thus identified as bearing the Washington arms: "Sam[l] Washington Seal with W arms $36".[10]

Of the five items, the only one that might have been the "Brass engraving of the Arms of the U. States" in "the Iron Chest", valued at $10, is the "plates arms U.S." that Captain Thomas Hammond bought for $6. Hammond was the husband of Mildred G. Washington, a daughter of Charles Washington, and thus a nephew by marriage of George Washington.[11] The word "plates", however, is puzzling—both the word itself and its use in the plural.

Usually the word "plate" brings to mind a smooth, flat or nearly so, and relatively thin piece or disk of metal, china, or other material, such as the plates forming part of a dinner service; a polished sheet of copper or steel engraved to print from; or a printer's electrotype or other embossed metal sheet employed in printing. One might suppose that the "plates" Hammond bought were china or metal for use on a dinner table. On this point, however, Miss Christine Meadows, Curator at Mount Vernon, has written as follows: "The Washington china has been thoroughly researched and much of it has survived. If there had been any with the device of the Great Seal, I believe we would know about it." [12]

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[10] Letter to the author and enclosure, Mar. 19, 1975, from Miss Christine Meadows, Curator, Mount Vernon Ladies' Association, Mount Vernon, Va.

[11] Washington, *Writings* (Ford, ed.), XIV, 429.

[12] Letter to the author and enclosure, Mar. 19, 1975. The Washingtons had silver waiters, which might have been referred to as plates, but they were decorated with the Washington crest, not the U.S. coat of arms. See Buhler, *Mount Vernon Silver*, p. 75.

The Dorsett seal, a bronze disk $2\frac{5}{16}$ inches in diameter and $\frac{3}{8}$ of an inch thick, could conceivably be called a plate. Furthermore, the arms of the United States have a reverse, the device of which, engraved on another bronze disk, would have been reason for use of the plural. Similarly, Trenchard's engravings of the obverse and reverse, discussed in Chapter XV and reproduced as illustrations 63 and 64, are correctly termed "plates". Perhaps the Dorsett seal was one of a pair, the reverse of which is now missing.

A further circumstance, which Miss Meadows points out, is that Hammond in 1792 invested in the new community of Charles Town (now West Virginia) and may have been living there in 1802, while Dorsett's grandmother, as indicated above, was born in 1804 at Harpers Ferry, "which places the family within easy reach of the Charles Town area" [13]—the two places being something like seven miles apart.

At this point questions arise. How and why did the Dorsett seal die come into existence, and what purpose was it intended to serve? Lacking facts, one must speculate as to the answers.

The transposing of the olive branch and the arrows was certainly intentional. It constituted a "difference", in the heraldic sense of the term, that distinguished this seal unmistakably from the Great Seal without obliterating evidence of close relationship to it. Such treatment of coats of arms is not unusual. Comparable "differencing" appears today in the seal of the President of the United States, in the seal of the Department of State, and in a number of other seals used within the Federal Government (see Chapter XX). In such cases the device of the Great Seal serves as the basic design but is modified in one or more details, thus reflecting both kinship and distinctness. In the case of the seal of the Department of State, for example, the major change from the Great Seal, except its smaller size, is its encircling legend (see Chapter XVIII).

There would have been no point or purpose in Washington's having a seal such as the Dorsett seal until he became President. Thus presumably it was cut after his inauguration in 1789.

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[13] Letter to the author, Aug. 7, 1973.

While he occupied that office it would have been a fitting symbol, as the President's seal is today. The transfer of the arrows, with their military significance, to the eagle's *right* talon would have been peculiarly appropriate for President Washington, who had previously won fame as Commander in Chief. It seems highly unlikely, however, that Washington commissioned the engraving or purchased the die himself. In the first place, he seems never to have used it; and in the second place, as Miss Meadows points out, "It is contrary to all we know about George Washington that he would have affected such an elaborate seal or device for personal or social reasons." [14] It was simply out of character for him to have bought the Dorsett seal die.

This leaves, as the only remaining possibility, the conclusion that Washington received the die as a gift. Such a gift could have come either from an engraver who had cut the die himself or from someone else, who had employed an engraver to cut it.

In 1936 Dorsett had asked Miller for his views regarding disposal of his seal die or a depository for it. Miller recommended Mount Vernon, and the Department so informed Dorsett when it returned his papers and the seal die to him in September 1937.[15] In 1941 Dorsett and his sister, Ellen Winchester (Mrs. George C. Husmann), placed the seal on loan at Mount Vernon. Dorsett died in Washington on April 1, 1943, just short of the age of eighty-one. His wife and son James H. had predeceased him, leaving his sister as his only survivor.[16] In a letter to the Mount Vernon Ladies' Association dated March 6, 1945, Mrs. Husmann changed the loan to an unrestricted gift to the Association. The seal has since been placed on exhibit in the museum at Mount Vernon.[17]

The Association has supplied a photograph of the incised face of the die, printed with the negative reversed, to show how an impression would look. This photograph is reproduced as illustration 80.

In the absence of further information, the Dorsett seal may be counted as either the immediate predecessor or the earliest example of the seal of the President of the United States.

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[14] Letter to the author and enclosure, Mar. 19, 1975.
[15] File 811.0158/307, D.S., R.G. 59, N.A.
[16] *Evening Star*, Apr. 2, 1943, p. A10.
[17] Letters to the author, July 24 and Aug. 7, 1973, from Miss Meadows.

The President's Seal From Jackson to Fillmore

The second possible clue to an early Presidential seal is an impression of what was perhaps the President's seal as used by Andrew Jackson. This impression is in red wax on a cut-open envelope bound preceding a letter from Levett Harris,[18] in Paris, dated April 19, 1835, in a volume among the records of the Department of State.[19] The envelope is addressed to "The President", with the pen-written words "Department of State" in the upper right-hand area. It bears Jackson's endorsement, "Returned to the Secretary of State to remain on file. A. J." The envelope is sealed with the red wax seal in question, the impression being circular and about ⅞ of an inch in diameter. Although flattened and somewhat defaced, the seal appears to have borne a design resembling that of the crest of the Great Seal. At least, it shows a circle of cloud puffs just inside the outer ring of the seal, with rays running seemingly from the center of the circle outward to the circumference, around and under the clouds. But the center portion of the design is obliterated, so that whether it consisted of thirteen stars on a blue field, as does the Great Seal crest, remains unknown. Searches for another impression of this seal have been unavailing.

The documented history of the President's seal begins in 1850. It appears that in that year President Millard Fillmore drew a crude sketch of a device for a Presidential seal and sent it to Edward Stabler, of Sandy Spring, Maryland, who had established a reputation as a seal engraver and manufacturer of seal presses. Historians are indebted to an unidentified writer for the New York newspaper, the *Daily Graphic*, in 1885, for unearthing and recording this bit of White House history.

As part of a series of articles on United States Government seals, the *Graphic* published a half-column article entitled "The President's Seal"—though much of it deals with other seals—and on another page a group of illustrations with the overall legend, "The President's Seals—Past and Present". The illus-

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[18] Harris, a shadowy figure in American diplomatic annals, had served in St. Petersburg and had been American Chargé d'Affaires in France from Apr. to Sept. 1833.

[19] Miscellaneous Letters, Apr.–June 1835, D.S., R.G. 59, entry 102, N.A.

trations include four drawings: (1) "Fac-simile of design sent by President Fillmore to Edward Stabler, sealmaker, from which to make a seal for him, July 26, 1850"; (2) "The Old Seal"; (3) a larger drawing with no separate legend, supposedly showing the device of the President's seal executed by Stabler in 1850 and still extant in 1885; and (4) "The President's Seal", which, as the accompanying text makes clear, was copied from an article by Benson J. Lossing, who had illustrated a seal used in 1784 by Thomas Mifflin, then President of the Continental Congress.[20] The *Daily Graphic*'s print of "The President's Seals—Past and Present" is reproduced as illustration 75.

Regarding these seals the article reported as follows:

> The President of the United States has a seal with which the envelopes containing the documents he sends to either House of Congress are sealed—whether nominations to office, messages or vetoes. As will be seen by the illustration, that now in use for this purpose has thirty-one stars upon it, and if they are intended to have the usual significance that stars have on any of our national flags, shields and symbols it would be inferred that this seal was made when we had seven less States than now. That would seem to fix the date of its being cut in 1848 [*1850*].
>
> No one knows for certain just how long it has been in use, nor has it been very much used, for Colonel Lamont [21] says he found it in a pile of rubbish. It was made by Edward Stabler of Sandy Springs, Md., after a design sent him by President Fillmore.
>
> Mr. Stabler's son says his father made two seals, the small one for letters and the larger for official documents, but both to be used on wax. Both are shown in the illustrations. . . .
>
> . . . . . .
>
> Mr. Stabler also gives us the information in a copy of a letter written by his father that "the price of the official seals made for President Fillmore was $20 each, engraved on hard composition metal similar to bell metal." To this the writer added that "they would cost less on common brass and about $5 more on hardened steel, owing to the time required to work the different metals." He continued, "I selected the bell metal for the President's seal because it casts smoothly, though hard, and gives a clear, nice impression to the wax, and will last many years." That it has done so is

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[20] Concerning Mifflin's seal and Lossing's article about it, see Chapter XX, pp. 562–566.

[21] Daniel Scott Lamont, then private secretary to President Cleveland, later Secretary of War and financier. For a biographical sketch, see *Dict. Amer. Biog.*, X, 563–564.

> proved by it still at the end of thirty-five years making a good, clear impression on wax or paper. It is a hard seal.[22]

The *Daily Graphic*'s illustrations of the two seals are undoubtedly enlarged, for "The Old Seal", which measures 2¼ inches in diameter, and the large seal, which measures 4¾ inches, would not have been used in anything like those sizes. The devices of the two, although generally similar, show interesting differences. Each features an eagle "displayed with wings inverted" [23] bearing a shield on its breast. Each shield has a blue chief and also has pallets or vertical stripes—although apparently red and white rather than white and red, and nineteen in all in the small seal and twenty-one in the large seal. In each seal the eagle's dexter talon holds an olive branch, and the sinister three arrows. Each seal has stars distributed in arcs above the eagle; but the small seal shows only twenty-seven, whereas the large one shows thirty-one, some of which sweep down around the eagle's wings. Each seal has a legend encircling the eagle, that in the small one "Seal of the President of the United States" and that in the large one "The Seal of the President of the United States" (as in Fillmore's sketch), both in full capitals. In the large seal the legend leaves a space at the bottom, in the center of which is a small cross, which is not in the small seal. Also, the large seal shows two sets of concentric circles, one inside and one outside the legend, which are lacking in the small seal. Both seals, however, have an ornamental milled design as a border around the outer edge.

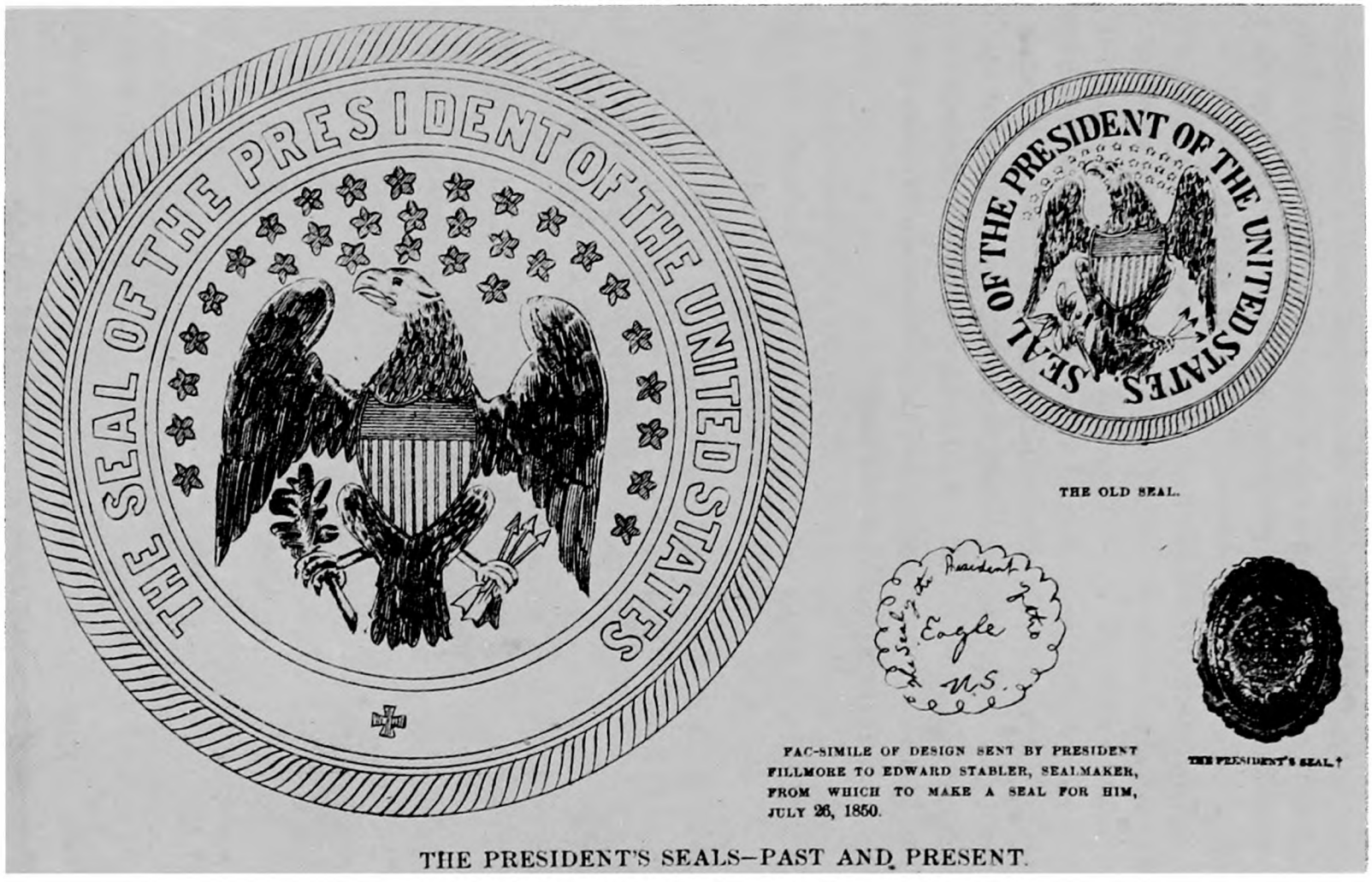
The text of the article in the *Daily Graphic* does not jibe with the illustrations. If the newspaper's intention was to illustrate two seals made by Stabler in 1850 for Fillmore, there would seem to be no reason to label one of them "The Old Seal". It is possible that the reporter intended to explain this term in his article but that the explanation was omitted to save space, while the illustration was not altered to fit the revised article. Because it is called the "Old Seal" and because it has only twenty-seven stars, it seems likely that this seal had been cut in 1845,

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[22] New York *Daily Graphic*, July 3, 1885.

[23] See Fox-Davies, *Complete Guide to Heraldry*, pp. 236–237; Franklyn and Tanner, *Encyclopaedic Dictionary of Heraldry*, pp. 114–115.

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75. The *Daily Graphic* Print (1885) of Early Presidential Seals

during James K. Polk's administration, when there were twenty-seven States in the Union. But then what of Fillmore's small seal? Fillmore did indeed use a small seal on some correspondence while he was President, but it was a very simple seal with a script *F* within a circular border,[24] and for such a seal Stabler would not have charged $20—the same amount charged for the large Presidential seal. There remains some mystery, therefore, about the Stabler seals.

No example has been found of an actual impression from either the "Old Seal" or the Stabler seal with thirty-one stars. The envelopes bearing the seals were presumably discarded upon their delivery to the Senate or the House of Representatives. An examination of such messages in the National Archives failed to turn up a surviving seal impression.[25]

Edward Stabler

Edward Stabler, farmer, seal engraver, and man of many talents, was born at "Harewood", near Sandy Spring, Maryland, September 26, 1794. He was a son of Dr. William Stabler, born about 1767, and his wife Deborah Brooke Pleasants; grandson of Edward Stabler, born about 1732, who came to America in 1753; great-grandson of Edward Stabler, of "Gate Fulford", England; and great-great-grandson of George Stabler, of York, England.

Edward spent his first fourteen years on the "Harewood" farm. He then left to work for an uncle who operated an apothecary shop in Alexandria, Virginia. For seven years he worked there seven days a week. During this period, nevertheless, he found time to practice with engraving tools. When the War of 1812 brought a shortage of silver and gold coins, he engraved

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[24] A perfectly preserved example is in the J. O. Sargent Papers in the Mass. Hist. Society, Boston, affixed to the envelope containing an invitation to "Mr. Sargeant" to dine at the White House on June 19, 1851.

[25] Senate papers of this type are in R.G. 46, N.A. The corresponding House papers are in R.G. 233. Mr. George P. Perros and Mrs. Debra W. Leahy, of the Legislative, Judicial, and Fiscal Branch, Civil Archives Division, National Archives, have told the coauthor that they have never noticed an impression of the President's seal on documents in their charge. The coauthor is indebted also to Dr. Albert H. Leisinger, Jr., Deputy Assistant Archivist for the National Archives, for confirming information on this subject.

copper plates for the Alexandria post office, which printed and issued paper money known as "shinplasters". Later he went to Baltimore, where he was a hardware salesman. Still later he became a medical student, but poor health caused him to return to "Harewood", where he devoted himself to farming. He retained a keen interest in agriculture throughout his life. Experiments he began in 1844 demonstrated that use of Peruvian guano on hills of corn would increase the yield 300 percent. He was a contributor to the *American Farmer* and won prizes from that paper and from the Maryland State Agricultural Society for his essays on the renovation of worn-out lands and the comparative advantage of drilling seed rather than sowing broadcast. His advanced ideas included making provision for water runoff to prevent erosion; draining of lowlands; deep plowing to utilize moisture and increase productivity; use of marl, lime, bones, guano, leached ashes, poudrette, and green crops; and a system of crop rotation.

To supplement his income from farming, Stabler renewed his interest in die-sinking and seal engraving. Developing his flair for this work, he soon, through diligence and superior workmanship, built up a large and profitable business, drawing orders from all parts of the United States. His shop was a small building to the left of the house at "Harewood". There a horse outside, usually driven by one of the children, furnished power to a train of wooden wheels and gears inside, all of his own construction, that in turn operated his machinery. Stabler did all his die-sinking and engraving with his own hands, working left-handed.

Stabler was evidently well established in this business by 1831, when he made a seal die and press for the United States House of Representatives and a counter-die and press for the Senate. During his long lifetime he cut a great many seal dies and furnished presses to go with most of them. Besides those already mentioned, he supplied seals and presses for the Department of State, the Treasury Department, the Post Office, the Department of the Interior, the Patent Office, the Land Office, the Supreme Court, the United States Court of Claims, the United States District Court for the District of Columbia, the Office of the Solicitor of the Treasury, the Smithsonian Institution, various circuit courts throughout the country, various States of the

Union, and many county clerks, banks, and business firms. Through the Department of State he supplied a large number of seal dies and presses to American diplomatic and consular posts abroad. Some of his seals are still in use, or were until recently, including one he donated in 1848 to the Mutual Fire Insurance Company of Montgomery County. In his later years, as his eyesight failed, he was obliged to turn down orders for seal dies.

According to an account written by one of his grandchildren, Stabler on his fortieth birthday, in 1834, announced that no man should work after that age, and thenceforth he would do only things he enjoyed. Besides farming and seal engraving, Stabler especially enjoyed hunting and fishing. Several manufacturers of guns made a practice of sending him specimens of their new models, which he tested and improved. Some of these improvements he sold to the Winchester and Colt companies. Among his inventions were a telescopic sight for hunting rifles and an explosive rifle bullet, both of which he is said to have used in killing a 2,500-pound bull buffalo during a hunt in Kansas in 1873.

At Stabler's suggestion, one of his hunting companions, Meshach Browning, wrote an autobiography, which Stabler edited, illustrated, and saw through the press. This work, *Forty-Four Years of the Life of a Hunter*, the first edition of which appeared in 1859 and the thirteenth in 1965, contains thirteen full-page illustrations and thirteen smaller pictures, all drawn and engraved by Stabler.[26]

Stabler was one of the founders of the Mutual Fire Insurance Company of Montgomery County and its first president, serving from 1848 until his death.

In addition to his other activities, Stabler was commissioned postmaster at Sandy Spring by President Jackson in 1830 and served continuously until his death, having attained the status of oldest postmaster in point of service in the United States. The post office was in the house at "Harewood". His only pay was the franking privilege for himself and his family.

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[26] The author tried unsuccessfully to buy a copy of the 13th edition of this work or to borrow it through library channels, and he is indebted to Mr. Charles R. Browning, of Raleigh, N.C., a great-great-grandson of Meshach Browning, for the gracious loan of his only copy.

On Christmas Eve of 1823 Stabler married Ann R. Gilpin, daughter of Bernard and Sarah Gilpin, of Mount Airy, Maryland. They had ten children. Edward Stabler and his wife were both lifelong members of the Society of Friends. Mrs. Stabler died at "Harewood" in May 1882; and Stabler himself died there, in the house where he had been born, on September 3 or 4, 1883, at the age of eighty-nine. The two youngest sons, Jordan and Arthur, succeeded to the ownership of "Harewood".[27]

In 1925 Jordan Stabler's son, Jordan Herbert Stabler, sold the property to Dean Acheson, later to become Secretary of State, whose widow continues to use it as a summer home and week-end retreat. Some of Stabler's books, impressions of some of his seals, a photograph of him, and the shop where he did his work, with its ingenious system of wooden wheels and gears, are preserved today at "Harewood".[28]

The President's Coat of Arms From Hayes to Wilson

Until the late 1870's official stationery items used by the Presidents of the United States bore no coat of arms. Invitations, for example, issued by Presidents Washington, Jefferson,

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[27] This sketch of Edward Stabler is based on the following sources: Farquhar, *Old Houses and History of Montgomery County*, pp. 173–175. S. Doc. 164, 82d Cong., 2d sess., pp. 1–2, 7, which reproduces a portrait and biographical sketch of Stabler from the *Daily Graphic*, July 15, 1885, p. 101. Browning, *Forty-Four Years*, 13th ed., which has a portrait and biographical sketch of Stabler between the foreword and the preface. *Golden Wedding*, p. 10. Farquhar, *Mutual Fire Insurance Company*, p. 10. Wiser, "Improving Maryland's Agriculture", p. 113. Miller, "Village of Sandy Spring", pp. 4, 6, 8–9. Letters to the author, Mar. 21, 1975, from Mr. Donald M. Liddell, Jr., of New York City, a great-grandson; Mar. 28, 1975, from Mrs. Edith Liddell Twiss, of New York City, a great-granddaughter; June 2, 1975, from Mrs. Virginia Stabler Richmond, of Nantucket, Mass., a great-granddaughter; June 5, 1975, from Mrs. George F. Nesbitt, of Sandy Spring, Md. Stump, "That Makes It Official".

Numerous original letters from Stabler to Edward Stubbs, Disbursing Agent of the Dept. of State, are in Miscellaneous Letters Received through the 1840's and 1850's, Accounts Records, D.S., R.G. 59, entry 212, N.A. At least one of them, dated Apr. 5, 1855, includes two printed pages of letters from 1831 to 1846 testifying to the excellence of Stabler's seal dies and presses.

[28] Letter to the author, Apr. 6, 1975, from Mrs. Alice S. Acheson, of Washington, D.C., and "Harewood".

Monroe,[29] John Quincy Adams,[30] Jackson,[31] Polk,[32] Fillmore,[33] Pierce,[34] and Lincoln [35] were engraved, printed, or written on plain paper. Some of President Grant's invitations were likewise undecorated,[36] but others—including the invitation to a dinner on March 3, 1877, in honor of President-elect Rutherford B. Hayes—were embossed or decorated with the initial *G*.[37]

Very shortly after President Hayes took office, the first known White House invitation bearing a Presidential coat of arms was issued. As Hayes was inaugurated on March 4, 1877, and as the invitation was for a dinner given in honor of the Grand Duke Alexis Alexandrovich of Russia on the following April 19, the new President or his aides must have acted very promptly indeed in having the coat of arms designed and in ordering an embossing die. An identical coat of arms is at the top of the White House dinner menu for the same occasion.[38]

It is not known who designed and executed the embossing dies for the Hayes White House, but the designer, who departed radically from the rendering of the Fillmore seal, exercised a

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[29] For photographs of invitations issued by Washington, Jefferson, and Monroe, see Goodwin, "White House Invitations", pp. 335, 336, 338.

[30] See invitations catalogued under Mar. 14, Apr. 12, and Dec. 26, 1828, in the Edward Everett Papers, Mass. Hist. Society, Boston, and an invitation to Jedediah Morse, catalogued under Feb. 20, 1822, in the Storer Papers, *ibid.*

[31] See invitations catalogued under Jan. 18, 1831, Jan. 17, 1833, and Jan. 7, 1834, in the Everett Papers, Mass. Hist. Society.

[32] See an invitation for Sept. 18, 1846, in the Bancroft Papers, Mass. Hist. Society.

[33] See an invitation catalogued under June 13, 1851, in the J. O. Sargent Papers, Mass. Hist. Society.

[34] See an invitation for the twenty-eighth of an unspecified month and year, in the White House Documents file, Division of Political History, National Museum of History and Technology, Smithsonian Institution, Washington.

[35] For a photograph of a Lincoln invitation, see Goodwin, "White House Invitations", p. 339.

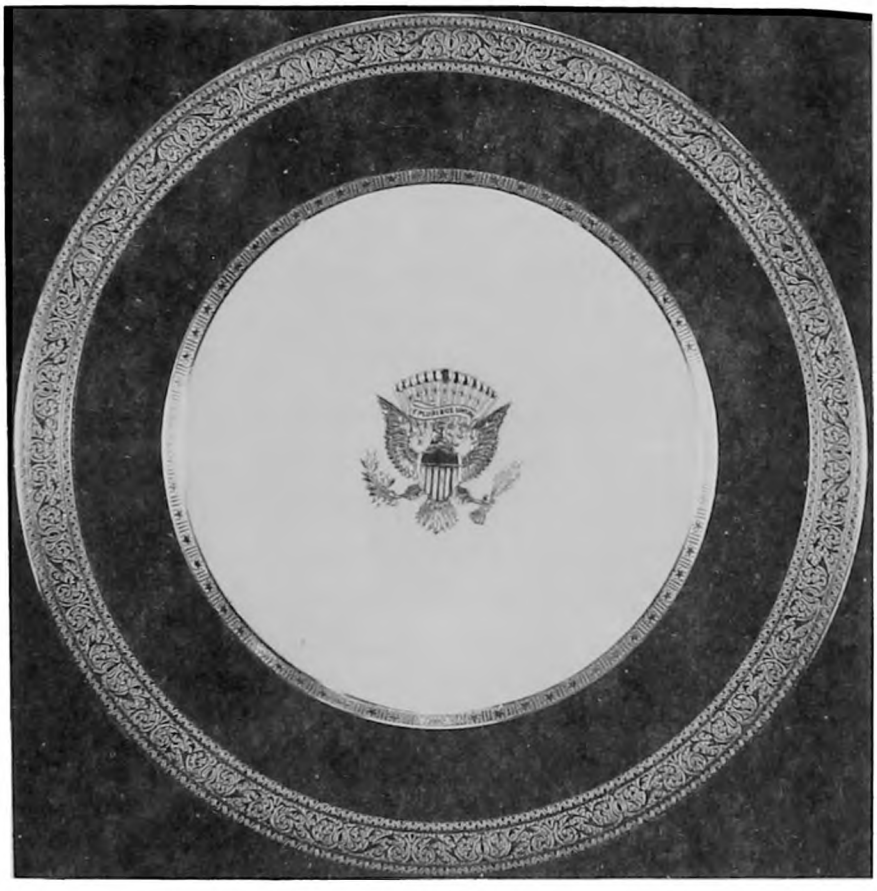
[36] For a photograph of an undecorated Grant invitation, see *ibid.*, p. 340.

[37] *Ibid.*, pp. 343–344. Letter from Harlow Lindley, Librarian, Hayes Memorial Library and Museum, Fremont, O., to Capt. R. L. Fain, of the Office of the Quartermaster General, U.S. Army, Apr. 23, 1928, in binder "Flags and Seals President", Library, Institute of Heraldry, U.S. Army, Cameron Station, Alexandria, Va. Invitation for Jan. 26, 1870, in the White House Documents file, Division of Political History, Smithsonian Institution.

[38] Positive photostats of the invitation and menu were presented to the author by Pvt. Robert S. Suggs, Jr., of the White House Police, Nov. 23, 1959. The coat of arms on a Hayes invitation and eleven others of a later date are shown in McLendon, "Written Under Glass", p. F1.



76. Coat of Arms Used by President Hayes



77. Coat of Arms on a Plate From the Service Ordered (1918) for President Wilson

lasting influence on the device of the Presidential seal and coat of arms. An element of his design which has carried over to the present is the arc of cloud puffs arranged between the raised wing tips of the eagle, with stars below. Another innovative and influential element, which remained unchanged until 1945, was the depiction of the eagle with its head turned to its own left, facing toward the arrows clutched in its left talon. And the shield on the President's coat of arms has continued to have its top line formed by two arcs coming to points at the center and at the outer edges of the shield.[39]

On the Hayes coat of arms, under the cloud puffs, seven stars were arranged in a curved line above a scroll on which *E Pluribus Unum* was shown on a single segment of ribbon, in plain roman capital letters; six more stars were arranged behind the eagle's head. As this 1877 design preceded the redesigning of the Great Seal by Tiffany & Company in 1884–1885, discussed in Chapter XII, it is not surprising that the Hayes coat of arms included the scrawny-legged bird (with legs bent at the knee) of the early Great Seal dies. The eagle's talons grasped the thirteen arrows and the olive branch from behind, anticipating in this respect a feature of the Tiffany Great Seal die of 1885. The example described here—on an engraved invitation form, still preserved in the White House, with blanks left to be filled in by hand—is about ¾ of an inch high and $^{21}/_{32}$ of an inch wide. The coat of arms is embossed in gold. Horizontal lines around and above the eagle's head represent a blue field for the stars. It may be noted that Hayes used also a variant die on another blank invitation form which omitted the horizontal lines for the blue field, with the rays of the glory of the crest outside the cloud puffs.[40] For a photograph of this example, see illustration 76.

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[39] The general shape of the Hayes coat of arms, though not its details, may have been copied from the version of the U.S. arms on the White House china bought for Grant in 1870. The arc of cloud puffs between the eagle's wing tips was anticipated in various U.S. coins, and both the arc of cloud puffs and the eagle facing to its left appeared on the sword-belt plate prescribed by the U.S. Army in 1851. Klapthor, *Official White House China*, pp. 91, 94. Reed, *Encyclopedia of U.S. Coins*, pp. 132–223, *passim*. Campbell and Howell, *American Military Insignia*, pp. 47–48.

[40] This die was used on an invitation for Feb. 10, 1880, illustrated in Goodwin, "White House Invitations", p. 342.

Very much the same coat of arms remained in use at the White House from 1877 through the early years of Woodrow Wilson's first administration, although dies of different sizes were prepared—including a much larger die for place cards used while Grover Cleveland was President [41]—and minor variations of design may be noted. On some later examples, for instance, the eagle had only five tail feathers,[42] and on one example of 1916 it had nine.[43] Although the coat of arms was usually embossed in gold, it was rendered in white (that is, without color) on the invitations to a White House wedding in 1906 [44] and in silver when the Tafts celebrated their silver wedding anniversary.[45]

Although no die of a Presidential seal has been found which dates from the period 1877–1915, and although no impression from such a die in that period has been noted, it is certain that a Presidential seal was cut bearing the device of the Hayes coat of arms. While a writer for the New York *Daily Graphic* found no hint of such a die in 1885,[46] an actual impression from the die of the seal, with an encircling legend, "The Seal of the President of the United States", in capital letters, was obtained from Henry T. Thurber, President Cleveland's private secretary, by the department of heraldry of the Bailey Banks & Biddle Company, of Philadelphia. That impression was the basis of an illustration which the firm included in an 1895 work on heraldry and in a second edition of 1909 [47] (see illustration 78). It may be noted

[41] For a photograph, see Goodwin, "White House Invitations", p. 341. An unused place card, with a design of the same size embossed in gold, is identified as a Hayes item in the White House Documents file, Division of Political History, Smithsonian Institution.

[42] See, e.g., a McKinley invitation for Jan. 18, 1899, and a Taft invitation for Jan. 4, 1910, in the above-cited White House Documents file, and a program for a musicale, Dec. 18, 1913, in files of the Office of the Curator, the White House. Other examples are in Social Records, series 10, Woodrow Wilson Papers, Ms. Div., L.C.

[43] The example cited here was on a Wilson invitation for Feb. 18, 1916, in the White House Documents file, Division of Political History, Smithsonian Institution. This invitation was pressed with a new embossing die which also showed an eagle with fatter and straighter legs, reaching diagonally (not horizontally, as in later dies) to the arrows and olive branch.

[44] An example of the invitation to the wedding of Miss Alice Roosevelt to Representative Nicholas Longworth, Feb. 17, 1906, is preserved in the Office of the Curator, the White House.

[45] Goodwin, "White House Invitations", p. 344.

[46] See *supra*, pp. 418–419.

[47] Zieber, *Heraldry in America*, p. 106; 2d ed., pp. 105–106.

that the words "of the" in the legend were in small capitals (in two places)—a style of lettering carried over in designs of the Presidential seal to the present day. It should also be noted that the arc of stars on this seal contained nine stars, with four more placed behind the eagle's head—a detail also surviving in the current Presidential seal—and that the eagle had seven tail feathers. It was presumably this seal which was referred to when Byron McCandless [48] (who was involved in redesigning the President's flag in 1916) recalled that President Wilson, while discussing a proposed design with him, sent the Chief Usher to obtain for McCandless an "impression of [the] President's seal" as well as a copy, in color, of the print of the Presidential seal which Wilson had obtained from Bailey Banks & Biddle [49] (see illustration 82).

In the course of some restoration work at the White House in 1903, during President Theodore Roosevelt's administration, the device of the President's seal in a form approximating that described above was inlaid in bronze in the floor of the north entranceway. The report of the architects at the time included this statement:

> Directly beneath the lantern, the President's seal appears in yellow bronze inlaid in the stone floor, and the pavement between the central columns carries in bronze the dates 1792–1902, inscribed in an ellipse of forty-five stars.[50]

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[48] For a biographical sketch and obituary, see *Washington Post*, June 4, 1967, p. B6.

[49] Letter from McCandless to Rear Adm. William R. Furlong, Oct. 24, 1964, in Furlong files, Division of Naval History, National Museum of History and Technology, Smithsonian Institution, Washington.

[50] DuBois, *Seal, Flags and Colors*, pp. 9–10, citing and quoting S. Doc. 197, 57th Cong., 2d sess., entitled *Restoration of the White House: Message of the President of the United States Transmitting the Report of the Architects*. These sources give the date of installation of the inlay as 1902, but a letter from McKim, Mead & White to Col. Theodore A. Bingham, Dec. 26, 1902, indicates that the work was being done by R. C. Fisher & Company, of New York City, at a cost of $675 and was to be completed by Feb. 1, 1903. Letters Received, 1899–1906, No. 1346–391, Records of the Office of Public Buildings and Public Parks of the National Capital, R.G. 42, N.A. The coauthor is indebted to Mr. William G. Allman, of the Office of the Curator, the White House, for calling his attention to this item and the letter from the same collection cited in footnote 51, *infra*.



78. Zieber's Print (1895) of the President's Seal



79. Impression (1936) From the Presidential Seal



80. The "Dorsett Seal", Perhaps a Gift to Washington



81. The Martiny Plaque (1903) of the President's Seal

The inlay was made from a model prepared by the sculptor Philip Martiny.[51] In the process of remodeling the White House in 1948, the inlay was removed and placed (without the dates and the ellipse of stars) over the door of the Diplomatic Reception Room on the ground floor. For a photograph of the inlay in its new location, see illustration 81.

While Martiny followed the general design of the Hayes coat of arms, he took full artistic license in rendering the details in bronze. The wings of his eagle, while displayed with wing tips pointing up, were shaped differently from those of any other known rendering of the Presidential seal device. The eagle's legs, with shaggy feathering reaching to the talons, were straight and arranged almost vertically on the device, quite unlike the bent legs of the Hayes design or the horizontal arrangement introduced in the Great Seal die of 1885. The top of the shield was a straight horizontal line. The motto was rendered in capital letters as E · PLVRIBVS · VNVM, with dots separating the words. Ten stars appeared in an arc above the scroll, with three more in a line beneath this arc. As on the Hayes coat of arms, the eagle faced to its own left, toward the arrows, and this particular detail of the Martiny plaque was to influence a change in the President's flag, as shown later in this chapter. Presumably copying the actual seal die, or an impression from it, the artist placed a legend, "The Seal of the President of the United States", in a circle around the central device.

The President's Flag From Arthur to Wilson

The history of the President's flag, as such, is outside the scope of this volume, but it cannot be ignored completely, as the flag design was sometimes influenced by the design of the President's seal and vice versa. As the President is Commander

[51] The sum of $50 in addition to the amount cited in the preceding footnote was allowed for Martiny's work. Letter from Bingham to R. C. Fisher & Company, Feb. 9, 1903, Letters Received, 1899–1906, No. 1346–509, R.G. 42, N.A. For a biographical sketch of Martiny, see *Dict. Amer. Biog.*, XII, 350–352.

in Chief of the Army and Navy, each service developed its own separate body of tradition and regulation on the matter of a flag for the President.

In early years, the Navy used both the national flag and a "jack"—the blue canton with the white stars from the national flag—when the President was on board a naval vessel. The Secretary of the Navy's General Order No. 300, of August 9, 1882, however, provided a special flag for the President which was used by the Navy until 1916 and which had an important influence on the current Presidential flag. That order stated:

> The flag for the President of the United States shall consist of a blue ground with the arms of the United States in the center . . . [52]

The flag designed for use under this order antedated by several years the redesigning of the Great Seal (and *ipso facto* the coat of arms [53]) of the United States. The eagle was therefore of the type with knees bent, as on early Great Seal dies. The motto *E Pluribus Unum* was placed on a single segment of scroll above the eagle's head. As the order specified the arms of the United States, not those of the President, the eagle faced to its own right and toward the olive branch. But the crest prescribed for the Great Seal was omitted, and the device of the Presidential flag of 1882 was crowned instead with an arc of thirteen stars—seven between the eagle's wing tips, and three outside the wings on each side, completing the curve of the arc. In this detail, the flag of 1882 bore some resemblance to the Presidential coat of arms that Hayes had introduced in 1877.[54] Before the turn of the century, however, and without any amendment of the basic order, the device of the President's flag (as used by the Navy) was modified to show the new Tiffany design of the Great Seal, complete with crest, as its central device.[55]

In 1898 an Army general order provided both a flag and a "color" for the President, identical in design but different in

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[52] DuBois, *Seal, Flags and Colors*, pp. 1–4.

[53] See Chapter XX, p. 535.

[54] For an illustration in color of the 1882 flag, see U.S. Navy Dept., *Flags of Maritime Nations*, 5th ed., plate I.

[55] *Ibid.* (1899), plate 2.

size, material, and purpose.[56] Although somewhat like the Navy flag, the Army flag and color had a scarlet ground; they had a white star in each corner and smaller white stars, near the central device, to represent the States of the Union; and they placed the coat of arms of the United States at the center on a blue star superimposed on a larger white star.[57]

When President Theodore Roosevelt decided in 1901 that one personal flag was enough, the Navy flag, as the older standard, [58] was adopted also by the Army as a *flag*, but the Army continued to use the scarlet Presidental *color*. Two Executive orders issued by President William Howard Taft in 1912 [59] resulted in a blue ground for all Presidential flags and colors, but not in uniformity of design: the simple Navy flag remained unchanged, but the more elaborate design of the Army color was also retained, although a blue ground replaced the scarlet field and, for contrast, the central star bearing the arms of the United States was changed from blue to scarlet.[60]

Wilson's Revision of the President's Flag

This was the situation when President Woodrow Wilson reviewed a march by the Grand Army of the Republic in 1915

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[56] "9. The President's colors . . . are made of silk, with heavy silk embroidery and bordered with gold and silver fringe, with red, white, and blue cord and tassels, and a gold eagle on the pike. The colors are displayed when the President is in the presence of troops as commander-in-chief." McCandless and Grosvenor, *Flags of the World*, p. 309.

[57] This standard is shown in a color photograph of the North Room at Sagamore Hill in May *et al.*, *Progressive Era*, p. 93.

[58] Another consideration may have been that Roosevelt was advised by Secretary of State John Hay that the President's flag used by the Navy had been authorized by President Arthur in Aug. 1882, while the standard used by the Army had never been given Presidential approval. Letter from Hay to Roosevelt, Oct. 28, 1901, and supporting memorandum, in binder "Flags and Seals President", Institute of Heraldry.

[59] Nos. 1556, June 24, 1912, and 1637, Oct. 29, 1912. Both orders provided that the color of the field of the President's flag "shall be blue". Executive Orders, 1912, R.G. 11, N.A.

[60] The history of these developments is described in detail, with the texts of many of the relevant orders, in DuBois, *Seal, Flags and Colors*, pp. 5–16. Illustrations, in color, of various Presidential devices before 1916 are filed as exhibits AA, V^b, and W in binder "Flags and Seals President", Institute of Heraldry.

from a reviewing stand on which were displayed both the Presidential flag of the Navy and the Presidential color of the Army. This led to discussions which involved, among others, Assistant Secretary of the Navy Franklin D. Roosevelt and Lieutenant Commander Byron McCandless, Aide to the Secretary of the Navy. As McCandless recalled events later, he was asked to make suggestions for a single Presidential flag and he suggested adding four stars to the Navy flag.[61] This would have resulted in a flag with a blue field, with a white star in each corner, and with the coat of arms of the United States (the design of the obverse of the Great Seal) as the central device. A sketch was prepared along these lines. McCandless' account continues:

> This design I presented to President Wilson in the White House. Mr. Wilson was greatly interested. He had wondered why there had been two flags at his reviewing stand. He directed that the star in each of the four corners be reduced to two-thirds of the size as drawn; also he wanted the President's Eagle in his Flag instead of the Eagle of the Great Seal. He took me to the entrance of the White House where there was a large circular bronze plate "THE SEAL OF THE PRESIDENT OF THE UNITED STATES", with EAGLE in the center.[62] . . . The Eagle of this President's Seal was placed in the President's Flag.[63]

In due course official drawings were prepared in line with Wilson's wishes, and on May 29, 1916, Wilson issued Executive Order No. 2390, which included in its last paragraph the statement: "The President's flag shall be in accordance with the plan accompanying and forming a part of this order".[64] The accompanying plan, in color, shows a central device derived from the print of the President's seal which Wilson had obtained (illustration 82).

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[61] Letter from McCandless to Capt. James K. Vardaman, Naval Aide to the President, May 29, 1945, in folder "Presidential Flag and Seal", George M. Elsey Papers, Harry S. Truman Library.

[62] See illustration 81.

[63] Letter from McCandless to Vardaman, May 29, 1945, cited above. A similar account is given in a letter from McCandless to Furlong, Oct. 24, 1964, also cited above. Both letters indicated that Assistant Secretary of War Henry Breckinridge was also involved in discussions on redesigning the Presidential flag, and the letter to Furlong stated that Douglas MacArthur, Aide to Secretary of War Newton D. Baker, communicated to McCandless Baker's approval of the idea of one Presidential flag.

[64] DuBois, *Seal, Flags and Colors*, p. 17. Executive Orders, 1916, R.G. 11, N.A.

The rendering of the provisions of Executive Order No. 2390 in Navy Department General Order No. 257, dated January 2, 1917, is more explicit, as follows:

> 5. The new design of the President's flag referred to in Executive Order consists of a blue field with four white stars, one in each corner, similar to the admiral's flag, and in the center a white spread eagle with red, white and blue shield on the body, the design being very similar to the seal of the United States. This spread-eagle design is based upon the seal which has been used in The White House for many years as the personal seal of the President.[65]

In the next correction of Army regulations the design of the President's color was amended to make it identical with the flag prescribed by Wilson's Executive order.[66]

The specifications which also formed part of Executive Order No. 2390 [67] provided that the eagle was to be all white except for black stitching to give detail to the feathering, and except that its beak, feet, and legs were to be yellow. There was a slight suggestion of a crest at the back of the eagle's head. The top of the shield had two arcs and three points, as on the Hayes coat of arms. The arrows were white, with black stitching, but the olive branch was in color—green for the thirteen leaves and light green for the thirteen olives. There were nine tail feathers, and the muscular legs of the eagle were placed in an almost horizontal position. The shield (which was red, white, and the same shade of blue used for the field of the flag) was placed somewhat lower on the body of the eagle than on the Great Seal design. The eagle's head, as Wilson desired, was turned to its own left, facing toward the arrows. Thirteen clearly defined but overlapping cloud puffs were placed in an arc between but slightly above the eagle's wing tips, and the motto appeared in black roman capital letters

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[65] DuBois, *Seal, Flags and Colors*, pp. 17–18. DuBois notes that the reference to the admiral's flag in this quotation is in error, "as the stars appearing in the admiral's flag are not placed one in each corner, but are placed two on the horizontal center line and two on the vertical center line of the flag in the form of an imaginary lozenge."

[66] DuBois, *Seal, Flags and Colors*, p. 18.

[67] The specifications were not filed with the signed original of the order in R.G. 11, N.A., probably because they were not ready when the order was signed. They were included, however, when the order was printed and circulated. See copies in Executive Orders, 1916, Library, D.S., and in binder "Flags and Seals President", Institute of Heraldry.

on a single segment of white scroll immediately above the eagle's head. Nine stars formed an arc between the cloud puffs and the scroll, with four more stars in the space enclosed by the lower line of the scroll, the back of the eagle's head, and the right wing. The placement of the stars was thus derived from the die of the Presidential seal then in use, rather than from the Great Seal or the Hayes coat of arms. Rays in gold stitching formed the glory surrounding the eagle's head and extending just beyond the cloud puffs. A white star appeared in each corner of the flag, as in the earlier Navy flag for the President.[68]

Wilson's Executive order of May 29, 1916, made no provision for revising the designs of the President's seal and coat of arms, and no separate order was issued concerning them. Nevertheless, the coat of arms was revised in line with the new flag design shortly after the flag order was issued. A revised embossing die of the coat of arms was in use at least as early as January 30, 1917, when it was used for an invitation to a White House dinner;[69] before the end of 1917 an unofficial but authoritative work on flags, of which McCandless was coauthor, included a picture in color of the Presidential seal, showing as the central device the design of the flag described above, with an encircling legend identifying it as "The Seal of the President of the United States";[70] and on March 30, 1918, an order was placed for a new "state service" of Presidential china, and the approved design included the revised coat of arms as shown on the flag.[71] For a photograph of a service plate from this set of Lenox china, see illustration 77.

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[68] For illustrations of the new flag, in color, see McCandless and Grosvenor, *Flags of the World*, p. 310; U.S. Navy Dept., *Flags of the U.S. and Other Countries*, plate 2.

[69] White House Documents file, Division of Political History, Smithsonian Institution.

[70] McCandless and Grosvenor, *Flags of the World*, p. 310. The source for McCandless' illustration was the print of the Presidential seal shown in this volume as illustration 82.

[71] Klapthor, *Official White House China*, pp. 148–149, 151. This volume recounts in detail the background of ordering the Wilson china, with quotations from and citations to correspondence and accounts in R.G. 42 and R.G. 217, N.A. The President's seal was impressed on one piece of this correspondence—a letter from Col. William Harts to William Mitchell Kendall, dated Sept. 20, 1917—"to indicate that he [Harts] was speaking for the president." *Ibid.*, p. 147.

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Some correspondence has been preserved concerning the ordering of the new embossing die for use on White House stationery items. It is in a subject file on the President's seal, and it speaks of a seal die, but clearly it was the coat of arms that was under discussion. This correspondence starts with a letter to the White House from the Washington representative of Bailey Banks & Biddle, dated December 4, 1915, criticizing the faulty heraldry of the dies in use. This letter was referred to the Library of Congress, where it was commented upon on April 29, 1916, by Gaillard Hunt,[72] Chief of the Manuscript Division. On the following May 10 the White House sent invitations for bids to eight firms, and it was these invitations, which were accompanied by samples of the items desired, that show that it was a new embossing die for stationery items that was under consideration. The Berry & Whitmore Company, of Washington, seems to have been the successful bidder, for that firm wrote to the White House on June 28, 1916, stating: "We will proceed with the new die and as soon as it is finished will submit you a proof of same." [73]

The new design for the Presidential coat of arms, as used on White House invitations, et cetera, showed a number of changes from the Hayes coat of arms which had been followed with few modifications since 1877. For one thing, it was as wide as it was high, measuring $\frac{9}{16}$ of an inch at the extremes in both directions, whereas earlier designs had given the effect of being tall and narrow, even though the difference in measurements was not very great. The eagle's legs on the new coat of arms were almost horizontal, as on the Great Seal as redesigned in 1885, and the eagle's wings were much thicker in the new design than on the Hayes example. The new die followed the 1916 Presidential flag in arranging nine stars in an arc and four below, and in giving the eagle nine tail feathers. Finally, the rays of the glory stopped within the cloud puffs, whereas they had extended beyond them in earlier models. Berry & Whitmore stated the goal that the design

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[72] Concerning Hunt, see Chapter XII, pp. 286–287.

[73] This correspondence is in the Executive Office File, series 4, case 2745, Woodrow Wilson Papers, Ms. Div., L.C.

> . . . should conform with the Great Seal in every respect, with the exception of the stars and the head of the eagle.
>
> The stars should be distributed differently and the head of the eagle should be turned toward the sinister . . ." [74]

The revised coat of arms was used not only by Wilson,[75] but also by Presidents Warren G. Harding,[76] Calvin Coolidge,[77] Herbert Hoover,[78] and Franklin D. Roosevelt,[79] and was the design in use when Harry S. Truman became President in 1945.[80]

What then of the actual Presidential seal—the die impressed on sealing wax to seal communications from the President to the Congress? In his comments referred to above, Gaillard Hunt stated that there was the "correct effigy" of the President's seal in the 1895 edition of Eugene Zieber's *Heraldry in America*, and said: "There is—or was—in the White House, the seal itself . . ." [81] And the 1917 illustration of the seal, in color, was accompanied by the following statement:

> . . . This is the personal seal of the President, and the press from which it is made has been in use for many years. The device is to be seen in the President's flag . . . in bronze, in the floor of the entrance corridor of the White House and in the favorite stick-pin of the President.[82]

No evidence has been found that the impression die of the President's seal was replaced in 1916 when the flag was redesigned. Indeed, there was no need to replace the seal die, as the flag design was made to conform to it in all important respects, and Lieutenant Commander McCandless, when working on the

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[74] Letter to N. P. Webster, Executive Office, the White House, June 28, 1916, series 4, case 2745, Wilson Papers.

[75] The description above is based on a dinner invitation for Jan. 30, 1917, in the White House Documents file, Division of Political History, Smithsonian Institution.

[76] See an invitation to a reception on Feb. 23, 1922, in the files of the Office of the Curator, the White House.

[77] See an invitation to a reception on Feb. 16, 1928, in binder "Flags and Seals President", Institute of Heraldry.

[78] See an invitation to a reception on Jan. 29, 1931, in the files of the Office of the Curator, the White House.

[79] See a copy of a program for a musicale, Dec. 18, 1934, *ibid.*

[80] See an invitation to dinner on June 18, 1945, in the records of the White House Social Office, Truman Papers, Harry S. Truman Library. The Truman White House also used in 1945 a cut based much more exactly on the central device of illustration 82, as on an order of service, Aug. 19, 1945, in the files of Matthew J. Connelly, Scrapbooks, vol. I, Truman Papers.

[81] Memorandum from Hunt to Herbert Putnam, Librarian of Congress, Apr. 29, 1916, series 4, case 2745, Wilson Papers. Cf. illustration 78.

[82] McCandless and Grosvenor, *Flags of the World*, p. 306.

new flag device, was actually given an impression from the old die to use as a guide.[83] The section of the Executive Office File of the Wilson White House which should deal with the President's seal is concerned in fact, as mentioned above, with a new embossing die for stationery items.

Here it becomes necessary to compare Zieber's drawing of the seal—which was made from an impression obtained from the Cleveland White House and which Hunt considered authoritative in 1916—with an actual impression made from the Presidential seal which was in use during the Roosevelt administration in 1936. That impression (reproduced in this volume as illustration 79) shows an American eagle displayed with the shield on its breast and the olive branch and arrows in its talons, all as in the Great Seal, but with the eagle's head turned toward its left instead of its right. It holds in its beak the scroll bearing the motto *E Pluribus Unum*, which curves over its head between its wing tips. Above the scroll and extending from wing tip to wing tip is an arc consisting of eleven cloud puffs, from the upper side of which project rays as in the glory of the crest of the Great Seal. Nine stars form a curved line between scroll and cloud puffs, and the other four stars are scattered below the scroll between the eagle's neck and right wing. The legend, in full capitals, which encircles the whole device, reads, "The Seal of the President of the United States", the letters of the words "of the" in both places being smaller than those of the rest of the legend. Outside the legend is an encircling line, just beyond which is a circular border formed of small dots. This description has been written from actual impressions of the President's seal, which measure 1¼ inches in overall diameter and which were made in wax and in black ink on paper on March 27, 1936.

This description fits very well the illustration in Zieber's *Heraldry in America*, and it is probable that the Presidential seal in use under Cleveland is the same one used in 1936 and kept in service until President Truman changed the design in 1945.

An approximate rendering of the device of the President's seal of this period, with the eagle's head turned toward its left

[83] See *supra*, p. 430. A fragment of a 1916 impression from the President's seal survives in series 2, folio 81874, Woodrow Wilson Papers, Ms. Div., L.C.; it appears to be identical in design to Zieber's drawing and to the 1936 impression described below.

and including the legend, is embodied in the ceiling of the President's office in the west wing of the White House.[84]

The President's flag also remained unchanged until 1945. The revision which was issued early in the Truman administration had its origin in a query which President Franklin D. Roosevelt sent to the War and Navy Departments just a month before his death. Aware that Fleet Admirals and Generals of the Army displayed five-star flags while the personal flags of the President, the Secretary of War, and the Secretary of the Navy contained only four stars, Roosevelt asked for "recommendations in regard to this situation".[85]

The War Department's response was that the Secretaries' flags "should remain as they are".[86] The Secretary of the Navy replied in more detail:

> . . . I consider that the combination of the four stars and the Coat of Arms of the Presidential Seal in the personal flag of the President is symbolic of high office over and above that of the Secretary of the Navy. Similarly the combination of four stars and fouled anchor in the Flag of the Secretary of the Navy is symbolic of his office above that of an Admiral or an Admiral temporarily appointed to the rank of Fleet Admiral. I therefore do not recommend any change in the design in the personal flags of the President, the Secretary of the Navy, nor the Fleet Admiral.[87]

The matter did not rest there, however, for on March 20, 1945, at Roosevelt's request, Vice Admiral Wilson Brown,[88] the President's Naval Aide, wrote confidentially to McCandless, then commanding the Naval Repair Base at San Diego, California. Brown asked McCandless not only whether the President's flag should be "boosted" because of the existence of the Fleet Ad-

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[84] A picture of it appeared in the *New York Times Magazine*, Nov. 17, 1963, p. 33, together with a picture of the seal device in its present form.

[85] Memorandum from Roosevelt to the Secretaries of War and the Navy, Mar. 12, 1945, copy in folder "Presidential Flag and Seal", George M. Elsey Papers, Truman Library. Arthur E. DuBois, Chief of the Heraldic Branch, Office of the Quartermaster General, U.S. Army, had been asked in 1926 "to give a recommendation regarding a possible change in the President's flag", but no change was made at that time. See a letter from DuBois to Col. Robert B. Wyllie, of Chicago, May 12, 1926, copy in binder "Flags and Seals President", Institute of Heraldry.

[86] Memorandum from Secretary of War Henry L. Stimson to Roosevelt, Mar. 13, 1945, copy in Elsey Papers, Truman Library.

[87] Letter from Secretary of the Navy James Forrestal to Roosevelt, Mar. 19, 1945, copy *ibid.*

[88] For a biographical sketch, see *Who Was Who in America*, III, 113.

miral's five-star flag, but also how many additional stars McCandless would recommend and how he would arrange them.[89]

Before McCandless had sent Brown his thoughts on these questions, he learned of President Roosevelt's death and waited until he determined that the new White House staff was still interested in the matter.[90] He then sent to Washington a long and complex history, with recommendations and several dozen enclosures. That paper provided the basis for President Truman's consideration of the design of the Presidential flag and seal.

Truman's Revision of the President's Seal

Writing to the new President's Naval Aide, McCandless made two suggestions for changing the President's flag. The first suggestion was that the field or ground color of the flag be the same shade of light blue used by George Washington to distinguish the Commander in Chief from subordinate officers, as shown in various eighteenth-century paintings. The second recommendation was to replace the four white five-pointed stars at the corners of the flag with four six-pointed stars, each formed by a cluster of twelve stars. The four large stars were to represent the Four Freedoms,[91] while the forty-eight small stars would of course represent the States of the Union. The six-pointed stars, which had been suggested to McCandless by portraits of Washington, would also indicate rank superior to that of five-star generals and admirals.[92]

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[89] Letter from Brown to McCandless, Mar. 20, 1945, copy in folder "Presidential Flag and Seal", Elsey Papers. White House press release, Oct. 25, 1945, folder "Seal and Flag", Permanent File, Harry S. Truman Papers, Truman Library. An almost complete text of this press release is printed in *Public Papers of the Presidents: Harry S. Truman*, 1945, pp. 416*n*.–417*n*.

[90] Memorandum for the file by Cdr. J. A. Tyree, Jr., Assistant Naval Aide to the President, in folder "Presidential Flag and Seal", Elsey Papers.

[91] The reference is to an address by Roosevelt to the Congress, Jan. 6, 1941, in which he referred to freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear. See *Cong. Record*, LXXXVII, 46–47.

[92] Letter from McCandless to Vardaman, May 29, 1945. McCandless' proposals were summarized in a memorandum from Tyree to Vardaman, June 6, 1945, in folder "Presidential Flag and Seal", Elsey Papers. Tyree had access to the exhibits and models which McCandless had sent to the White House, and his summary of McCandless' proposals is somewhat clearer than McCandless' own verbal statement of them in his letter to Vardaman.

On June 18, 1945, the President's Assistant Naval Aide wrote to McCandless. His letter began as follows:

> The President was very much interested in your very thorough study of the subject of the President's flag. His immediate reaction to the adoption of the six-pointed star was not favorable. Fundamentally, I believe he prefers to consider himself as a civilian and does not desire to bring up the question of designating relative rank.
>
> The President has stated that he would be interested in any designs you might make for his consideration, using the following ideas:
>
> (a) A flag with a seal or eagle alone on a blue, red, or white background. The blue to be the color of the present flag. The other colors came as the result of a suggestion from General Eisenhower to use red.
>
> (b) Using the eagle from the seal set in a simple circle of forty-eight stars. Same background as in (a) above.[93]

The story is then continued in a press release issued later in the year by the White House:

> Commodore McCandless sent a painting of the proposed flag, with the circle of 48 stars, to the White House in July and when the President returned from Berlin in August, he tentatively approved that design.
>
> It was then sent to the War and Navy Departments for comment and suggestions. The Chief of the Heraldic Section of the Office of the Quartermaster General of the Army, Mr. Arthur E. DuBois, like Commodore McCandless, has studied the history of flags and heraldic emblems for many years. Mr. DuBois made several suggestions to the President. He pointed out that there was no known basis in law for the Coat of Arms and the Seal which had been used by Presidents since 1880 and which was reproduced on the Flag. The Seal had originated during the administration of President Hayes, apparently as an erroneous rendering of the Great Seal of the United States.[94]
>
> It is a curious fact that the eagle on the Great Seal faces to its own right, whereas the eagle on the seal in use by Presidents since 1880 faces to its own left. According to heraldic custom, the eagle on a Coat of Arms, unless otherwise specified in the heraldic description, is always made to face to its own right. There is no explanation for the eagle facing to its own left in the case of the President's Coat of Arms. To conform to heraldic custom, and since there was no authority other than usage for the former

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[93] Letter from Tyree to McCandless, June 18, 1945, copy in folder "Presidential Flag and Seal", Elsey Papers.

[94] As already indicated, the President's seal originated earlier than the Hayes administration. And certainly the coat of arms that President and Mrs. Hayes used on their stationery represents a deliberate differencing from, rather than "an erroneous rendering of", the Great Seal device.

Presidential Coat of Arms, the President had Mr. DuBois redesign the Coat of Arms in accordance with the latter's suggestions.[95]

DuBois had discussed his recommendation concerning the eagle with the White House staff on August 23, 1945, by which time he also had ready a model which showed the President's coat of arms, the eagle facing to its own right, within a circle of thirteen stars arranged in such a way that one point of each star pointed outward and two pointed inward toward the coat of arms. It was recognized that a change in the design of the eagle on the flag should be accompanied by a similar change in the Presidential seal.[96]

Several of DuBois' recommendations deserve quotation in full:

> [3. . . .] According to the rules of heraldry any figure (unless otherwise described) should always face to dexter, i.e. to its own right or honorable side. The eagle as shown in the coat of arms of the United States is correct in description and in illustration. *The eagle as used in the President's seal is not legally described, therefore a question is left in the minds of those schooled in heraldry as to the legality and correctness of the illustration as now used.*
>
> 4. A design on a flag should appear on both sides as though completely through the flag base, either by dye, applique, or embroidery, except when lettering is introduced which should appear on a scroll and should read from left to right on each side. Flags are always basically orientated in the mind of the individual writing the blazon or description, placing the flag hoist to the left of the observer. It is this obverse side of the flag which is described without going through the process of describing its orientation. Therefore, the true heraldic design is reproduced on this obverse side of the flag, but when the design is observed on the reverse side of the flag it appears as facing the staff or honor position, that is, facing toward the enemy when being carried. Whereas, if the design is made as in the present Executive Order 2390, the eagle appears as though flying away from the point of honor, or the point of danger on both sides of the flag.
>
> 5. Nature cannot be improved upon. *The eagle when reproduced on the President's seal and flag should be the natural bird.* . . . according to the laws of heraldry, metal is always introduced as a superior tincture to color. Therefore in order to comply with heraldic rules and the laws of visibility, color is not placed upon color, nor metal upon metal, with the result the

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[95] White House press release, Oct. 25, 1945.

[96] Rough handwritten notes by Lt. Cdr. George M. Elsey, of the White House staff, headed "Notes on Dubois 1st model 23 August", in folder "Presidential Flag and Seal", Elsey Papers.

blue chief or upper ⅓ portion of the shield represents Congress joining the 13 colonies into one en[t]ity or unity, and the blue is placed on the silver shield on which also appears the 13 red palys [*sic*].

6. 13 stars appear in the glory of the Great Seal of the United States. 13 stars should also be reproduced as a part of the glory *appearing above the head of the eagle on the President's seal: otherwise it might be inferred that the President were operating under a cloud not being set with stars or in a clear orbit. It is therefore believed that by all means the stars should be made a part of the composition in the radiant background beneath the clouds.*

7. In order to answer some of the questions that may be proposed by those not fully cognizant of the conformation of the eagle, it is recorded that the natural bird usually has 12 tail feathers. However, the artist has shown but 9 in the design, the same number that is shown in the Great Seal.

. . . . . .

12. . . . The use of 13 stars encircling the design of the seal of the President could be well represented on the flag base, but if such action is taken to make that a part of the symbolism, similar action should also occur in the preparation of a new seal for the President's use.

13. *Under no circumstances should 48 stars be used around the central design for the reason that no truly designed flag should be subjected to change occasioned by a basic law effecting* [sic] *some other flag. . . . if any other State should be added to the Union such admission would be represented by additional stars . . . In the event such an action should occur, it would require another change in the President's seal and flag.*

. . . . . .

18. *It is proposed that the following action be taken:*

The design of the President's seal be changed to consist of the Central design of the President's Colors shown by the accompanying drawing and which may be described as follows:

Coat of Arms of the President of the United States

SHIELD: Paleways of 13 pieces, argent and gules, a chief azure; upon the breast of an American eagle displayed proper, holding in his dexter talon an olive branch and in his sinister a bundle of 13 arrows all proper and in his beak a white scroll, inscribed 'E PLURIBUS UNUM' Sable.

CREST: Behind and above the eagle a radiating glory, or[,] on which appears an arc consisting of 13 cloud puffs, proper, and a constellation of 13 stars, argent. The whole surrounded by 13 stars, arranged in the form of an annulet with one point of each star outward on the radiating center lines.[97]

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[97] Memorandum by DuBois, entitled "Study on the Seal, Flag and Colors of the President of the United States", Aug. 22, 1945, in binder "Flags and Seals President", Institute of Heraldry. Passages in this memorandum which were typed in capital letters for emphasis are here printed in italics.

DuBois' model and recommendations were laid before Truman the following weekend. The President's decisions were recorded as follows in a memorandum by Lieutenant Commander Clark M. Clifford,[98] Assistant to the Naval Aide:

President's Flag

On Sunday, 26 August 1945, the material with reference to the contemplated new Presidential flag was presented to President Truman. After considerable deliberation the President directed that a new flag model be prepared containing the following:

1. The eagle is to appear as it does in the DuBois model. The President would like to have the artist incorporate the effect into the new model which would make it appear lightning was issuing from the arrowheads clutched in the left claw of the eagle. The President's reaction was that the importance of the new atomic bomb is so tremendous that some symbolic reference to it should be incorporated into the flag.

2. There are to be forty-eight stars in a circle around the eagle. The stars are to be slightly larger than in the McCandless model and two points of the star shall point inward as they do in the DuBois model.

Presidential Seal

The President contemplates adopting a new Presidential seal which will contain the eagle and stars exactly as described for the contemplated new Presidential flag. A model is to be prepared for the President's approval.[99]

These decisions were communicated to DuBois on August 28, with the request that a new painting of the proposed flag and a model of the new seal be prepared.[1]

At this point, all the basic design decisions had been made except one. The records examined do not disclose who dissuaded Truman from combining arrows and lightning in the eagle's left talon in the Presidential flag and seal, but someone must have done so, as this idea was dropped. One small change was made in the model for the seal: the encircling legend was shortened by dropping the word "The" at the beginning so that it read "Seal of the President of the United States". The President's

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[98] For biographical sketches, see *Who's Who in America*, 38th ed., I, 584; *Current Biography Yearbook*, 1968, pp. 90–93.

[99] Memorandum by Clifford, Aug. 27, 1945, in folder "Presidential Flag and Seal", Elsey Papers.

[1] Letter from Elsey to DuBois, Aug. 28, 1945, copy *ibid.*

Naval Aide noted this when the model was delivered to the White House in October, but Truman himself did not comment on it, and the model was approved. DuBois was notified of this on October 22 in a letter which also contained the following information:

> When I told him [Truman] that there is no legal definition of the present seal and that we proposed to illustrate the new seal and define it in the new Executive Order, he approved and he directed that we make sure our description is comprehensive and accurate. He also approved your proposal to insert a statement to the effect that the seal can legally be used only by the President.[2]

The President's seal, as used from the late nineteenth century, and his flag and coat of arms, as used from 1916, were changed by Executive Order No. 9646, entitled "Coat of Arms, Seal, and Flag of the President of the United States", which President Truman signed on October 25, 1945. Most striking alteration, which received much publicity at the time, was turning the eagle's head to face toward its right rather than its left. The design of the seal and that of the flag in black and white[3] form part of the Executive order, which became effective on the day of signing. The substantive portion of the order follows:

> The Coat of Arms of the President of the United States shall be of the following design:
>
> SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch and in his sinister a bundle of thirteen arrows all proper, and in his beak a white scroll inscribed "E PLURIBUS UNUM" sable.
>
> CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs proper, and a constellation of thirteen mullets argent.
>
> The whole surrounded by white stars arranged in the form of an annulet with one point of each star outward on the imaginary radiating center lines, the number of stars conforming to the number of stars in the union of the Flag of the United States as established by the act of Congress, approved April 4, 1818, 3 Stat. 415.

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[2] Letter from Elsey to DuBois, Oct. 22, 1945, copy in Elsey Papers.

[3] Although prints were later distributed of the Executive order, with the design of the flag in color attached, the prints of the design in color were not ready when the order was signed. See *ibid.*

The Seal of the President of the United States shall consist of the Coat of Arms encircled by the words "Seal of the President of the United States."

The Color and Flag of the President of the United States shall consist of a dark blue rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the President in proper colors. The proportions of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.

That portion of Executive Order No. 2390 of May 29, 1916, pertaining to the illustration and requirements for the President's Flag is revoked.

The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof.

These designs shall be used to represent the President of the United States exclusively.[4]

Accompanying the Executive order and made part of it were the following "Specifications" for the President's flag:

Flag base—blue.
Stars, large and small—white.
Shield:
    Chief—light blue.
    Stripes—white and red.
Eagle:
    Wings, body, upper legs—shades of brown.
    Head, neck, tail—white, shaded gray.
    Beak, feet, lower legs—yellow.
    Talons—dark gray, white high lights.
Arrows—white, shaded gray.
Olive branch:
    Leaves, stem—shades of green.
    Olives—light green.
Rays—yellow.
Clouds—white, shaded gray.
Scroll—white with gray shadows.
Letters—black.
All dimensions are exclusive of heading and hems.
Device to appear on both sides of flag but will appear reversed on reverse side of flag, except that the motto shall read from left to right on both sides.

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[4] 10 *Federal Register* 13391, 13393–13394, Oct. 30, 1945.

It has been noted above that Truman had decided that the blue ground of the President's flag should remain the same shade of blue, thereby rejecting McCandless' suggestion that the color of the ground be changed to light blue. Truman nevertheless approved the specification that light blue be the color of the chief, or upper part of the shield, on the Presidential arms as shown on the flag.[5] In effect, he thereby fixed the same shade of blue for the chief in color representations of the Presidential seal.

A press release was issued to call attention to the new designs of the Presidential seal and flag. That release included the following paragraphs:

> In the new Coat of Arms, Seal and Flag, the Eagle not only faces to its right—the direction of honor—but also toward the olive branches of peace which it holds in its right talon. Formerly the eagle faced toward the arrows in its left talon—arrows, symbolic of war.
>
> The President also decided that the eagle on his Seal and his Flag should appear in the full color of the natural bird as is customary in most flags, rather than in white as it had been on the former Flag.
>
> The 48 stars in the circle represent the states collectively; no single star represents any particular state.
>
> If one of the territories should become a state, the President's Coat of Arms, Seal and Flag will have an additional star added at the same time that another star is added to the Flag of the United States.
>
> There will be no change in the bronze impression of the Seal at the front entrance of the White House, in the Seal as it appears in the ceiling of the President's office in the West Wing, or in the cornerstone of the new East Wing, and the President has issued instructions that the present supplies of stationery and documents bearing his former Coat of Arms or Seal be used until exhausted.[6]

DuBois provides the following information regarding the seal and flag under the Executive order of 1945:

> . . . The seals for the President's use were engraved at the Bureau of Printing and Engraving, Washington, D.C., and the flags furnished the President, conforming to the new Executive Order, were initially displayed to the public on Navy Day, October 1945. His color on display in his office and automobile flags were manufactured at the Philadelphia Quartermaster Depot, Philadelphia, Pa. The plaster of paris seals, approx-

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[5] Cf. Chapter XX, p. 548.

[6] White House press release, Oct. 25, 1945.

imately 15½ inches in diameter, were modeled in the Heraldic Branch, Office of The Quartermaster General.[7]

A copy of Truman's order filed in the Calligraphy Office of the White House has the following endorsements with respect to the first use of the new flag and seal:

Presidential Flag with these arms first flown, Oct. 27, 1945 Fleet review N.Y., F.D.R. carrier.

Wax impression seal was first used by President Truman Dec. 5, 1945.[8]

Within a year after President Truman's Executive order of October 25, 1945, the *National Geographic Magazine* published an article written by Mrs. Elizabeth W. King, and handsomely illustrated by the magazine's staff, entitled "Seals of Our Nation, States, and Territories". The following fragmentary excerpts, here collected from various parts of the article, provide information about the President's seal and coat of arms as of that time:

The President's seal is considered personal . . . The President's seal is always impressed into dark-red sealing wax . . . Diligent search by the President's staff had failed to reveal the date of adoption of the old seal or any information about the original matrix. There was no statutory authority for that seal. . . . The President's seal is applied to close official envelopes bearing messages or other documents from the President to the Congress of the United States. . . . The seal is 1⅜ inches in diameter, a quarter-inch larger than the old one. President Hayes was the first to place the old arms on Executive Mansion invitations. . . .[9]

Should you be invited to the White House, your invitation would bear the President's coat of arms, and if you were a guest at a state dinner, you would eat from china bearing the same design . . .[10]

An illustration with Mrs. King's article has the main caption, "The President's Former Coat of Arms Ornaments a White House Rug", followed by lines of text in part as follows:

The arms, central feature of the Aubusson rug in the Green Room, form a favorite motif in Executive Mansion decoration. Chair backs in

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[7] DuBois, *Seal, Flags and Colors*, p. 27. On Nov. 9, 1945, the White House asked the Bureau of Engraving and Printing to furnish three dies of the new seal, with "wood handle, for wax impressions". Letter from William D. Hassett to Alvin W. Hall, White House Central Files, Truman Papers, Harry S. Truman Library.

[8] Photocopy of the order, with endorsements, given to the coauthor, June 30, 1977, by Mr. John Scarfone, of the Calligraphy Office.

[9] King, "Seals of Our Nation", p. 38.

[10] *Ibid.*, p. 1.

the East Room and state china carry the arms; in bronze, they appear as a plaque in the floor at the main entrance.[11]

Eisenhower's Revisions of the President's Seal

Soon after the admission of Alaska as the forty-ninth State on Janua ry 3, 1959, President Dwight D. Eisenhower on May 26, 1959, sig ned Executive Order No. 10823, entitled "Coat of Arms, Seal, and Flag of the President of the United States". Similar in its wording and illustrations to Executive Order No. 9646, of October 25, 1945, which it superseded, it had the effect simply of adding a forty-ninth star to the President's coat of arms, seal, and flag as of July 4, 1959.[12]

Following the admission of Hawaii as the fiftieth State on August 21, 1959, President Eisenhower on February 5, 1960, signed Executive Order No. 10860, entitled "Coat of Arms, Seal, and Flag of the President of the United States". This order was similar to his order of May 26, 1959, which it superseded, but it added a fiftieth star to the President's coat of arms, seal, and flag as of July 4, 1960. This is the document currently in force (1976) regarding the form of the President's coat of arms and seal. Its illustration of the President's seal is reproduced as illustration 83 and the substantive portion of its text is printed here:

> Section 1. The Coat of Arms of the President of the United States shall be of the following design:
>
> SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch and in his sinister a bundle of thirteen arrows all proper, and in his beak a white scroll inscribed "E PLURIBUS UNUM" sable.
>
> CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs proper, and a constellation of thirteen mullets argent.

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[11] King, "Seals of Our Nation", p. 10. For a later picture of the Green Room showing a rug with the revised Presidential arms (erroneously identified as "The Great Seal"), see Jensen, *White House*, p. 261. For a picture of the Blue Room in Franklin D. Roosevelt's time, showing chairs with backs bearing the arms encircled with thirteen stars, see Furman, *White House Profile*, facing p. 309. For a picture of the foyer with Theodore Roosevelt's brass inlay of the arms in the floor under the lantern, see *ibid.*, facing p. 188.

[12] For text and accompanying illustrations, see 24 *Federal Register* 4293–4295, May 28, 1959.



82. Print (*circa* 1915) of the Seal of the President, With Annotations on the Design of His Flag



83. The Seal of the President as Prescribed in 1960 and Currently in Use

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The whole surrounded by white stars arranged in the form of an annulet with one point of each star outward on the imaginary radiating center lines, the number of stars conforming to the number of stars in the Union of the Flag of the United States as established by chapter 1 of title 4 of the United States Code.

SEC. 2. The Seal of the President of the United States shall consist of the Coat of Arms encircled by the words "Seal of the President of the United States."

SEC. 3. The Color and Flag of the President of the United States shall consist of a dark blue rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the President in proper colors. The proportions of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.

SEC. 4. The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof. These designs shall be used to represent the President of the United States exclusively.

SEC. 5. This order shall become effective on July 4, 1960, and Executive Order No. 10823 of May 26, 1959, shall be superseded as of that date.[13]

Accompanying the Executive order and made part of it are "Specifications for President's Flag", which are identical with those forming part of Executive Order No. 9646 printed above.

The necessary drawings and paintings of the Presidential coat of arms, seal, and flag under Executive Order No. 10860 were prepared, under the supervision of Rawson K. Moore, by illustrators in the Heraldic Services Division, Office of the Quartermaster General, Department of the Army.[14]

The dies of the President's seal cut in 1945 with forty-eight stars continued in service until 1960. Because of the imminence of further change, no dies were cut under Executive Order No. 10823, which provided for a forty-nine-star seal. In 1960, under Executive Order No. 10860, the Bureau of Engraving and Printing made new dies showing fifty stars.

The Bureau furnishes two types of dies of the President's seal: (1) those made of hardened steel and used in stationary presses for printing and embossing, and (2) those made of brass

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[13] 25 *Federal Register* 1089, 1091–1092, Feb. 9, 1960.

[14] Letter to the author, Oct. 7, 1976, from Col. Charles R. Spittler, Director, Institute of Heraldry, U.S. Army.

to be used with sealing wax. The dies of the first type are used at the Bureau; those of the second, at the White House.

Those used at the Bureau produce facsimiles of the seal on letter paper, invitations, menus, and other stationery. By means of presses of one type or another, which are purchased from private manufacturers, the Bureau "imprints the seal on official documents, stationery, and invitations as requested by the White House". For this purpose the Bureau had in 1975 one die each of the Presidential seal in sizes ranging from ⅝ of an inch to 1¾ inches in diameter.

The dies at the White House, on the other hand, are attached to handles instead of presses and serve only to stamp impressions in sealing wax. Strictly speaking, these, and only these, are the seal of the President; the others are facsimiles or, if lacking the encircling legend, his coat of arms. The wax impressions from these dies close correspondence submitted to Congress.[15]

The actual dies of the seal are now used for this purpose only. The coat of arms, however, finds ever widening service, from embossing on White House stationery and reproduction on Presidential Christmas cards through display on a broad range of White House household furnishings and decorations and on into architectural ornamentation and adornment.[16] Besides specific uses already mentioned, the coat of arms appears on the reverse of various Presidential medals, and a modified version of the device is on the back of the Kennedy half dollar. The design of the President's coat of arms, by Executive Order No. 10879 of June 1, 1960, is used on a White House service badge for members of the armed forces detailed to White House duty. And during the Nixon administration a commercial firm prepared a 2⅜-inch die, with

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[15] This and the preceding three paragraphs are based chiefly on a letter to the author, Sept. 19, 1975, from Mr. James A. Conlon, Director, Bureau of Engraving and Printing, Dept. of the Treasury, Washington. The Presidential seal has sometimes been used for purposes other than sealing correspondence submitted to Congress. The fragment of a wax impression mentioned *supra*, p. 440*n*., for example, is on an envelope which enclosed a letter of Feb. 4, 1916, from President Wilson to Secretary of State Robert Lansing—a letter considered so private and confidential that Wilson marked it in his own hand "To be opened only by the Secretary himself" and sealed it with two impressions of his seal. See also *supra*, p. 437*n*.

[16] Use on White House china of the Presidential coat of arms, the device of the Great Seal, other eagle designs, and unrelated patterns are all fully documented and beautifully illustrated in Klapthor, *Official White House China*.

matching counter-die, engraved with a close approximation of the official design of the President's seal, and used it thereafter, when authorized, to impress foil seals on certificates relating to Presidential trips abroad and on certain stationery items such as Christmas cards. The firm also supplied to the White House a considerable number of "peel-off self-adhesive" examples from this die, impressed on gold foil, which have then been affixed in the White House to certificates presented to certain staff members as a memento of their White House appointments.[17]

The American public has grown familiar with another use of the device of the President's seal, shown in enlarged form and full color, as an ornament on the front of the lectern from which the Chief Executive addresses an audience. In effect, this use of the device, with the encircling legend "Seal of the President of the United States", substitutes an illustration of the Presidential seal device for another ornament which could appropriately be used, namely, the President's coat of arms, which would show the same central device but without the legend.

Regulations Regarding the Presidential and Vice Presidential Seals

Under the provisions of section 713 of title 13 of the United States Code,[18] President Richard Nixon on February 16, 1972, issued Executive Order No. 11649, entitled "Regulations Governing the Seals of the President and the Vice President of the United States." The substantive portion of this order follows:

> By virtue of the authority vested in me by section 713(b) of title 13, United States Code, I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States.

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[17] 25 *Federal Register* 4893, June 3, 1960. (For similar action relating to a Vice Presidential service certificate and badge, see Executive Order No. 11544, signed July 8, 1970, 35 *Federal Register* 11115–11117, July 10, 1970.) Information supplied by Mr. Thomas M. Jones, Chief, Records Office, the White House, May 17, 1977; this office has custody of the actual dies of the President's seal. Information supplied by Mr. Mark Nalband, of Raff Embossing & Foilcraft, Washington, Aug. 31, 1977.

[18] Quoted *infra*, p. 561.

SECTION 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

(a) Use by the President or Vice President of the United States;

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency. Such use shall be limited exclusively to the text, and any use of the Presidential or Vice Presidential Seal or Coat of Arms or any likeness or substantial part thereof on the cover of the above items is prohibited;

(c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(d) Use as an architectural embellishment in libraries, museums, or archives established to house the papers or effects of former Presidents or Vice Presidents;

(e) Use on a monument to a former President or Vice President;

(f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;

(g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.[19]

It was subsequently felt that section 1, subsection (b), of the above order was too restrictive, and President Gerald R. Ford, by Executive Order No. 11916, May 28, 1976, amended that subsection to read as follows:

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency; [20]

thus deleting the restrictions contained in the final sentence of the subsection as originally issued.

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[19] 37 *Federal Register* 3625, Feb. 18, 1972.

[20] 41 *Federal Register* 22031, June 1, 1976.

Chapter XVII

THE SEAL OF THE VICE PRESIDENT

Second in rank among the progeny of the Great Seal is the seal of the Vice President of the United States. As with the President's seal, its design reveals its origin in the device of the national seal, while differences mark it as a distinct emblem. Its close relationship to the Great Seal qualifies it for a place in the present narrative.

Early History

Seal historians have largely ignored the Vice President's seal, and little information about its past is available.

Earliest known reference to a seal of the Vice President occurs in a letter from William Hickey, Chief Clerk of the United States Senate, to Edward Stabler, of Sandy Spring, Maryland, dated November 6, 1846.[1] It appears from this reference that the Vice Presidential seal was not new at that time, but only one early impression has been found—on an envelope which contained a letter of January 26, 1850, from Vice President Millard Fillmore to the Chairman of the Senate Committee on Post Offices and Post Roads, concerning the nomination of a postmaster at Buffalo. The envelope was sealed with red sealing wax impressed with a seal about the size of a nickel. The central device of the seal is an eagle, displayed with wings inverted (that is, with wing tips pointing downward), its head turned to its own right. The eagle holds in the right talon an olive branch, and to the naked eye it appears to hold a single arrow in the left talon, but

[1] S. Doc. 164, 82d Cong., 2d sess., p. 32. See Chapter XVI, pp. 422–425, for information on Stabler.



84. Impression (1850) From the Seal of the Vice President

magnification shows that there are probably six arrows—presumably an element copied from the Great Seal die of 1841. On the eagle's breast is a shield, complete with chief and thirteen pales despite its small size. The legend, encircling the central device, is divided into two segments, the upper arc having the words "Vice President" and the lower arc the words "United States" followed by a period. The seal seems somewhat crudely made, as the legend is off center and appears to be twisted counterclockwise from what would be a well centered position.[2] A photograph of this seal impression is reproduced in this volume as illustration 84. No other impression has come to light of a Vice Presidential seal which antedates President Truman's Executive order of 1948.

A flag for the Vice President, however, was used in 1915, prior to any Executive order on the subject. Its design was that of the President's flag at the time, except that its field was white instead of blue. As already mentioned, the central device of the President's flag before 1916 was that of the coat of arms of the United States, and this was the device also of the Vice President's flag before 1936. Use of this flag seems to have been limited, though, to certain special or "emergency" occasions in 1915 and 1919.[3]

Executive Order No. 7285, signed by President Franklin D. Roosevelt on February 7, 1936, prescribed an official flag of the Vice President, but no coat of arms or seal. The design of this flag was identical with that laid down by President Wilson for the President's flag under an order of May 29, 1916, except that the background colors were reversed, the Vice President's flag having a white background with a blue star in each corner. The central device was the President's coat of arms of the period,

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[2] The envelope is in file Sen 31B–A4, R.G. 46, N.A., among papers relating to the nomination of Isaac Harrington in the 31st Congress. The coauthor is indebted to Mrs. Debra W. Leahy, of the Legislative, Judicial, and Fiscal Branch, Civil Archives Division, National Archives, for finding this seal impression.

[3] U.S. Army, Institute of Heraldry, *Fact Sheet*, pp. 5–11. Photographs of the flags used in 1915 and of an automobile flag which is probably the one used in 1919 are in binder "Flags and Seals President", Library, Institute of Heraldry, Cameron Station, Alexandria, Va. These early uses of a flag by the Vice President are fully described, with quotations from relevant documentation, in DuBois, *History of the Flag for the Vice President*.

which included the eagle with its head turned to its left. The immediate impetus for the preparation of the 1936 order seems to have been an inquiry from Vice President John Nance Garner as to whether he had an official flag. To this inquiry the Secretary of War had replied as follows on January 15, 1936:

> Referring to your communication of December 24, 1935, regarding a Vice President's Flag, I regret to inform you that at present there is no such flag and no known official sanction for the use of such a flag.
>
> A flag was hastily improvised for use of the Vice President on the occasion of his visit to the San Francisco Exposition in 1915. A similar flag appears to have been used by the Vice President in 1919, when he accompanied the King of Belgium to Mt. Vernon. The improvised flag used on these occasions is considered to be inappropriate from a heraldry viewpoint.
>
> The War Department is of the opinion that the Vice President should have a flag to display when he is present at military and naval formations and on such other occasions as he might consider appropriate. This flag should properly symbolize the office of Vice President of the United States according to the correct laws of heraldry.
>
> Steps are therefore being taken by the War Department to prepare drawings, in proper colors, of a suitable flag for the Vice President which will be submitted for your approval. . . .[4]

Truman's Executive Order of 1948

When President Harry S. Truman was considering a new design for the Presidential flag and seal in 1945,[5] the Heraldic Branch of the Office of the Quartermaster General of the Army made the following recommendation to the White House:

> 14. It is well to note that the design of the Vice-President's seal and flag should also be examined. *The Vice-President . . . actually is the President of the Senate and as President of the Senate he should have a seal and flag designed accordingly. This study is recommended in view of the fact that there should not be two seals existent that might be confused* for the reason that the President's seal is used to seal his messages to Congress. *No other seal*

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[4] Executive Orders, R.G. 11, N.A. For the order of May 29, 1916, on the President's flag, see Chapter XVI, p. 435. Letter from Garner to Secretary of War George H. Dern, Dec. 24, 1935. Copy of letter from Dern to Garner, Jan. 15, 1936. Both items are in binder "Flags and Seals Vice President", Institute of Heraldry. See *ibid.* for a rejected design by Arthur E. DuBois, dated Jan. 25, 1936; it showed an eagle, columns, and the sun on a purple field.

[5] See Chapter XVI.

should be existent which encroaches on the dignity and distinctiveness of this high office. . . .

15. *Appropriate action should be initiated to redesign the flags and seal of the Vice-President and action taken to cancel the provisions of Executive Order No. 7285, 7 February 1936.*

Truman then asked for the comments of the Heraldic Branch concerning the flag of the Vice President, and the Chief of the Branch was also asked to "prepare several sketches . . . for a new Vice Presidential flag".[6]

As the Vice Presidency was vacant at the time, there was no urgency in the consideration of this matter, and it was not until the fall of 1948 that an Executive order was processed to prescribe a flag and seal for the Vice President who would be elected in November of that year. In September it was suggested that Truman delay the proposed order until after the election,[7] and that suggestion was adopted.

On November 10, 1948, President Truman signed Executive Order No. 10016, entitled "Coat of Arms, Seal, and Flag of the Vice President of the United States". The order prescribed a new design for the flag of the Vice President and provided also for a coat of arms and a seal for that officer which were so distinct from those of the President that the devices of the two offices could be distinguished at a glance. By this order the eagle of the Vice President's coat of arms was made to face toward its right, as does the eagle on the Great Seal and on the President's current coat of arms, but the eagle's wings were inverted so that the wing tips would be pointed down rather than up, and a single arrow was provided for the eagle's sinister talon. The 1948 design bears a considerable resemblance to the Vice Presidential seal impression of 1850 described above, but there is no evidence that the 1948 designer had any knowledge of the earlier seal. The substantive portion of Truman's Executive order, which took

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[6] Memorandum by Arthur E. DuBois, "Study on the Seal, Flag and Colors of the President of the United States", Aug. 22, 1945, in binder "Flags and Seals President", Institute of Heraldry. (Passages in this memorandum which were typed in capital letters for emphasis are here printed in italics.) Letter from Lt. Cdr. George M. Elsey, of the White House staff, to Arthur E. DuBois, Aug. 28, 1945, copy in folder "Presidential Flag and Seal", George M. Elsey Papers, Harry S. Truman Library.

[7] Memorandum from Clark M. Clifford to Truman, Sept. 14, 1948, Elsey Papers.

practical effect when Alben W. Barkley was inaugurated as Vice President on January 20, 1949, was as follows:

> The Coat of Arms of the Vice President of the United States shall be of the following design:
>
> SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle with wings displayed and inverted holding in his dexter talon an olive branch all proper and in his sinister an arrow or, in his beak a yellow scroll inscribed "E PLURIBUS UNUM" sable.
>
> The whole surrounded by thirteen blue stars in the form of an annulet with one point of each star outward on the imaginary radiating center lines.
>
> The Seal of the Vice President of the United States shall consist of the Coat of Arms encircled by the words "Vice President of the United States."
>
> The Color and Flag of the Vice President of the United States shall consist of a white rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the Vice President in proper colors. The proportion of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.
>
> The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof.
>
> These designs shall be used to represent the Vice President of the United States exclusively.
>
> Executive Order No. 7285 of February 7, 1936, prescribing the official flag of the Vice President of the United States, is hereby revoked.[8]

Accompanying this Executive order and made part of it were two drawings (one of which, picturing the seal, is reproduced as illustration 85) and the following "Specifications" for the Vice President's flag:

> Flag base—white.
> Stars—blue.
> Shield:
> Chief—blue.
> Stripes—white and red.
> Eagle:
> Wings, body, upper legs—shades of brown.
> Head, neck, tail—white, shaded gray.
> Beak, feet, lower legs—yellow.
> Talons—dark gray, white high lights.

[8] 13 *Federal Register* 6701–6703, Nov. 16, 1948.

Arrows—yellow.
Olive branch:
Leaves, stem—shades of green.
Olives—light green.
Scroll—yellow with brown shadows.
Letters—black.

Device to appear on both sides of flag but will appear reversed on reverse side of flag, except that the motto shall read from left to right on both sides.

The designs of the coat of arms, seal, and flag prescribed by the foregoing Executive order were prepared by Miss Elizabeth Will, of the Heraldic Branch, Office of the Quartermaster General, Department of the Army.[9]

The Bureau of Engraving and Printing completed the cutting of the first die of the Vice President's seal under the Truman order in 1952. This die was replaced by a new one in 1969.

As in the case of the President's seal, there were, under this Executive order, two types of dies of the Vice President's seal, the one type used at the Bureau of Engraving and Printing and the other at the Vice President's office. For its purposes the Bureau had one hardened steel die in each of various sizes ranging from ⅝ of an inch to 1¾ inches in diameter. These it used for imprinting the device on documents, stationery, invitations, and the like, as requested by the Vice President. The dies at the Vice President's office were of brass, attached to handles, and served to affix wax impressions to official documents and correspondence.[10] Strictly speaking, these dies were the seal of the Vice President. The others were devices for impressing either seal facsimilies or, if lacking the legend, the coat of arms.

It was reported that the cost of a new Vice Presidential seal mold in 1948 was $15,000 and that, in addition, the unit cost for each seal was approximately $500.[11]

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[9] Undated memorandum entitled "Vice Presidential Seal" enclosed with letter to the author, Oct. 15, 1975, from Mr. H. Spofford Canfield, Administrative Assistant to the President of the Senate, Office of the Vice President, Washington.

[10] Letter to the author, Sept. 19, 1975, from Mr. James A. Conlon, Director, Bureau of Engraving and Printing, Dept. of the Treasury, Washington.

[11] Undated memorandum entitled "Vice Presidential Seal".

Revision of the Seal for Vice President Rockefeller

Although the Vice Presidential device of 1948 continued in service for nearly twenty-seven years, at least some of the Vice Presidents who used it were unhappy with it. Hubert Humphrey would remark to audiences that they could gauge the importance of his job as Vice President by the "droopy eagle" on the coat of arms and seal. Vice President Nelson A. Rockefeller not only disliked the device—he told friends its eagle looked like a "wounded quail"—but also took steps to change it. With the President's consent, he had the coat of arms and seal redesigned to present a bolder and more aggressive bird. After months of work a new design, very similar to that of the President's coat of arms and seal, was completed and approved.[12] Executive Order No. 11884, entitled "Prescribing the Official Coat of Arms, Seal, and Flag of the Vice President of the United States", which President Ford signed on October 7, 1975, made the new design official.

The new order completely revised the design of the eagle; the number of arrows in the eagle's talon was increased from one to thirteen; a crest was added; and the annulet of thirteen blue stars was dropped, gray stars appearing in the crest instead. Gray, not previously used in blazons of Presidential or Vice Presidential coats of arms,[13] was introduced in four places to differentiate the new arms from those of the President. Specifically, the arrows, the scroll (which had previously been yellow), the cloud puffs, and the stars or mullets in the crest are all blazoned gray in the Vice President's new coat of arms, whereas in the President's arms they are described as proper, white, proper, and *argent*, respectively.

The substantive portion of Executive Order No. 11884 follows:

> Section 1. The Coat of Arms of the Vice President of the United States shall be of the following design:

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[12] *Washington Star*, Oct. 26, 1975, p. A2. About twenty models were rejected before the final design was approved.

[13] Gray had been mentioned in flag specifications with reference to the natural or "proper" depiction of the eagle, but the word "gray" had not been used in the blazons or verbal descriptions of the coats of arms.

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch proper and in his sinister a bundle of thirteen arrows gray, and in his beak a gray scroll inscribed "E PLURIBUS UNUM" sable.

CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs gray, and a constellation of thirteen mullets gray.

SEC. 2. The Seal of the Vice President of the United States shall consist of the Coat of Arms encircled by the words "Vice President of the United States."

SEC. 3. The Color and Flag of the Vice President of the United States shall consist of a white rectangular background of sizes and proportions to conform to military custom, on which shall appear the Coat of Arms of the Vice President in proper colors within four blue stars. The proportions of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military services.

SEC. 4. The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications attached hereto and made a part of this Order. These designs shall be used to represent the Vice President of the United States exclusively.

SEC. 5. This Order shall become effective immediately. Executive Order No. 10016 of November 10, 1948, is hereby revoked.[14]

Attached to this Executive order and made part of it are two drawings (the second of which is a black-and-white rendering of the seal shown here—reproduced from a color print—as illustration 86) and the following "Specifications for Vice President's Flag":

Flag base—white.
Stars, large—dark blue; stars, small—silver gray.
Shield:
    Chief—dark blue.
    Stripes—white and red.
Eagle:
    Wings, body, upper legs—shades of brown.
    Head, neck, tail—white, detailed silver gray.
    Beak, feet, lower legs—yellow.
    Talons—dark gray, white highlights.
Arrows—silver gray.
Olive branch:
    Leaves—Shades of green; stem—brown.
    Olives—green.

[14] 40 *Federal Register* 47469–47471, Oct. 9, 1975.

Rays—yellow.
Clouds—silver gray.
Scroll—silver gray.
Letters—black.
All dimensions are exclusive of heading and hems.
Device to appear on both sides of flag but will appear reversed on reverse side of flag, except that the motto shall read from left to right on both sides.

Although the new Vice Presidential seal is very similar to the seal of the President, there are important differences. The encircling legend of course is distinctive, reading "Vice President of the United States", while the Presidential legend reads "Seal of the President of the United States". Also, the annulet of fifty stars which appears on the President's seal is omitted from the Vice President's, and to fill the space the Vice Presidential eagle and all the other elements of the central device have been enlarged. The result is that, when a Presidential seal and a Vice Presidential seal of the same size are placed side by side, the Vice President's eagle is noticeably larger than the President's. In color prints of the seals, the chief, or upper part of the shield, on the President's seal is light blue, while that on the Vice President's is dark blue—the blazon in both cases reading *azure*. There are also some minor differences, perhaps inadvertent, such as the shorter central tail feather on the Vice Presidential eagle.

The drawings and paintings of the coat of arms, seal, and flag prescribed by the Executive order of 1975 were prepared, under the supervision of Charles A. Reynolds, by illustrators in the Design and Illustration Division of the Institute of Heraldry, United States Army.[15]

The Director of the Bureau of Engraving and Printing has supplied the following information regarding the dies and "die stamping plates" made under the provisions of the 1975 Executive order:

> There are two seals and counters for the hand seal presses that serve to affix wax impressions to official documents. One is located in the Vice President's office and the other is located in the Senate. These seals are 1¾ inches in diameter.

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[15] Letter to the author, Oct. 7, 1976, from Col. Charles R. Spittler, Director, Institute of Heraldry.

The Bureau also provided seven die stamping plates of the seal in sizes ranging from ⅜ inch to ¾ inch in diameter. These are used for imprinting on various documents, such as stationery, invitations, and the like, as requested by the Vice President. The following is a listing of the die stamping plates provided:

One calling card seal with stars	⅜''
Two calling card seals without stars	9/16''
Two letterhead seals with stars	¾''
Two letterhead seals without stars	¾''

These dies are not cast in molds. They were prepared by utilizing elements of existing dies in combination with new engraving to create a new master die. The die stamping plates were made from the master engravings.

The Bureau of Engraving and Printing completed the new seals in July 1976.[16]

Regulations Regarding the Vice Presidential Seal

Under the provisions of section 713 of title 13 of the United States Code—quoted later in this book[17]—President Nixon on February 16, 1972, issued an Executive order regarding use of the devices of the seals or coats of arms of the President and Vice President. This Executive order and an amending order of 1976 have been quoted in Chapter XVI.[18]

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[16] Letter to the author, Aug. 4, 1976, from Mr. Conlon.
[17] Chapter XX, p. 561.
[18] *Supra*, pp. 456–457.



85. The Seal of the Vice President as Prescribed in 1948



86. The Seal of the Vice President as Prescribed in 1975



87. First Seal of the Supreme Court, 1790



88. First Seal of the Department of State, 1790

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Chapter XVIII

THE SEAL OF THE DEPARTMENT OF STATE [1]

Another seal of the United States Government deriving directly from the Great Seal is that of the Department of State. Not so old as the seal of the Department of the Treasury, the

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[1] This chapter is based in part on the author's articles entitled "The First Seal of the Department of State" and "The Seal of the Department of State", with much additional material. The chapter does not include (except by passing reference) the seals used by U.S. diplomatic and consular offices or the individual office seals that have been used by organizational units (such as Passport Agencies) operating under the jurisdiction of the Dept. of State, although all such seals are or were derived from the seal of the Dept. of State.

In 1953 the Department issued regulations which included the following "list of the types of seals provided Foreign Service posts and statements of their general use" (*Foreign Service Manual*, sec. 151.2):

> a. *Impression* (also termed Press Seal). This is a metal engraving seal die affixed to a press mechanism, used to make a raised impression on an instrument, document, or other paper. The impression seal is used in notarial services, issuance of visas and passports, certain shipping and seamen services, and Foreign Service drafts.
>
> b. *Rubber stamp*. This is a small rubber seal die affixed to a round rubber stamp. Generally, it is used in connection with the certification of consular invoices and certain shipping and seamen services.
>
> c. *Wax*. This is a small metal engraving seal die affixed to a short wooden handle, used for making impressions on wax. It is used to seal premises, effects in estate cases, envelopes, packages, etc.
>
> d. *Porter Safety Seal Press*. [So called because most of the presses in this category are manufactured by the Porter Safety Seal Company, of Chicago.] This is a metal press mechanism having a die affixed to each side. It is pressed on small blank lead seals to seal official pouches.
>
> e. *Transfer Seal*. This is a transparent plastic decalcomania provided only for use on Government-owned passenger automobiles assigned to Foreign Service posts. It should be affixed to the outside center of each rear door of the automobile.
>
> f. *Notarial Wafer*. This is a round, red, blank paper wafer used in notarial acts when the instrument or document to which the act relates consists of more than one sheet, or when the notarial certificate will be attached and not written on the document itself. The impression seal of the post is impressed on the wafer.

seal of the Department of the Army,[2] or the Great Seal, each of which originated during the Continental Congress period, this seal dates from the first year of government under the Constitution. The act of Congress approved September 15, 1789, which changed the name of the Department of Foreign Affairs to "Department of State" and the title of the principal officer to "Secretary of State", included the following provisions:

> SEC. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.
>
> SEC. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents.[3]

On September 26, 1789, John Jay, who had headed the Department of Foreign Affairs since 1784, was appointed Chief Justice of the United States, and Thomas Jefferson, who was then in Paris as Minister Plenipotentiary to France, was appointed Secretary of State. Jay continued, though "not officially", to superintend the Department until Jefferson took office on March 22, 1790.[4] Meanwhile, as noted in Chapter VII, Roger Alden, who had been Deputy Secretary of the Continental Congress, became one of the two principal clerks first in the Department of Foreign Affairs and then in the Department of State, heading the Home Office there until his resignation, effective July 25, 1790.

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[2] Because of its "historical significance", the device of the old War Office seal, bearing the date 1778, has been perpetuated as that of the seal of the present Dept. of the Army. "General Orders No. 1, Department of the Army, dated 18 September 1974, redesignated the seal previously designated for the Department of War as the seal of the Department of the Army in accordance with the provisions of the National Security Act of 1947 (Public Law 253—80th Congress)." Letter to the author, Mar. 17, 1949, from Mr. R. F. Doolan, Records Administrator, Office of the Secretary of the Army, Washington.

[3] 1 Stat. 69.

[4] Patterson, *Secretaries of State*, p. 118.

The Die of 1790

As to the designing or choosing of a device for the seal of the Department of State and the requisite approval of it by President Washington, no record has been found. Presumably nothing was done until after Jefferson took office. Meanwhile, however, Jay, while still acting in charge of the Department of State, commenced his duties as Chief Justice. On Thursday, February 4, 1790, at the Exchange in New York City, the United States Supreme Court was organized and held its initial session.[5] Its first business was to decide on a device for a seal; and on that day it ordered that "the Seal of the court shall be the Arms of the United States, engraved on a piece of steel of the size of a dollar, with these words in the margin, 'The Seal of the Supreme Court of the United States' ".[6] The die was cut soon afterward, although the exact date and the name of the engraver are not of record. For a picture of an impression made from it in 1796,[7] see illustration 87.

From the available evidence, one may guess that Jefferson, soon after he entered upon his duties, consulted with Jay, saw an impression of the new Supreme Court seal, showed it to President Washington, and obtained his consent to use the same device on the seal for the Department of State. Whatever steps he took were completed before May 28, 1790, when the Department seal was used for the first time. On that day, at the request of a young New York lawyer named Brockholst Livingston,[8] it was affixed to the certificate of authentication of a copy of the act of Congress approved May 26, 1790, "for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases".[9] Livingston paid 56 cents for the copy and 25 cents for the authentication.[10]

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[5] Carson, *Supreme Court*, pp. 152, 581.

[6] 2 Dallas 399–400.

[7] On a document in the original jurisdiction case of *Grayson* v. *Virginia*, Aug. term, 1796, R.G. 267, N.A.

[8] For a biographical sketch, see *Dict. Amer. Biog.*, XI, 312–313.

[9] 1 Stat. 122.

[10] Papers Cont. Cong., item 187, folios 57, 122, R.G. 360, N.A.

The die was cut in New York City, where the Federal Government was then located. Roger Alden personally obtained it, paying for it out of his own pocket. The following item, under date of July 1, 1790, appears in an old account book among the records of the Department of State: "By cash repaid Mr. Alden for sundries for the office, among which was the seal for the secretary's office that cost £2 . . 3 . . 4" New York currency.[11]

Although the name of the seal engraver is not of record, it was probably one of the following three, who advertised their trade in New York City in 1784–1788: Abraham Godwin, at "the foot of Gold-street, next to the corner of Maiden-lane";[12] Thomas Reynolds, from London and Dublin according to his advertisements, who operated a "Seal Manufactory" in Philadelphia and had two agents who took orders for him in New York;[13] and Peter R. Maverick, of "No. 3, Crown-street, Next door to the Quaker's old Meeting house".[14] It is uncertain, however, whether any of the three except Maverick was actually carrying on his trade in New York in 1790; and his workmanship was evidently superior. It seems a fair guess that it was Maverick who cut the first dies for the Supreme Court seal and the Department of State seal. The engraving of both remained notably sharp, clear, and deep, even after long use (see illustrations 87 and 88). The price the Department paid for its die—$5.42 at the prevailing rate of $2.50 to a pound[15]—was extremely modest, especially if it included any kind of press.

Peter Rushton Maverick was born in New York City April 11, 1755, son of Andrew Maverick, a painter born in Boston in 1728/29. By 1775 Peter was established in New York as a silversmith. He left, however, in advance of the British occupation; and during this absence he married Anne Reynolds. Returning to the city sometime before July 1784, he advertised

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[11] Cash Book, 1785–1795, Accounts Records, D.S., R.G. 59, entry 230, N.A.

[12] Gottesman, *Arts and Crafts in New York*, p. 39. For biographical notes, see Fielding, *Dictionary of American Painters*, pp. 140–141; Groce and Wallace, *Artists in America*, p. 264.

[13] Gottesman, *Arts and Crafts in New York*, pp. 82–83. Brix, *Philadelphia Silversmiths*, p. 86.

[14] Gottesman, *Arts and Crafts in New York*, p. 40.

[15] See Chapter VII, p. 151.

there as an engraver. He represented New York engravers in the Federal Procession of 1788. During twenty-five years in the city he produced numerous illustrations for magazines and books, did die-sinking and copperplate printing, engraved tableware, bookplates, and diplomas, and did other commercial work. Among his apprentices were his three sons, Peter, Andrew, and Samuel, and some of his grandchildren were also notable engravers. Peter died in New York City December 12, 1811.[16]

Impressions from the 1790 die of the Department seal are now scarce, and most that have been found are damaged.[17] Illustration 88 is a photograph of the best of them, impressed in 1817.[18] Circular and measuring 1 7/16 inches in diameter, it bears the device of the Great Seal with one heraldic difference, namely, the posture of the eagle, which is "displayed with wings inverted" instead of "displayed"—that is, with the wing tips pointed downward instead of upward.[19] Among distinguishing details, the motto on the scroll is contracted, in capital letters, to *E Pls Unum*, and the glory of the crest is depicted outside rather than inside the cloud puffs encircling the thirteen stars. Surrounding the device, just inside the outer border, is the distinctive legend in capital letters, "Secretary of State's Office", with a period following and with the apostrophe placed as if it were a comma. At the bottom an ornament fills the space between the first and last words.

The device of this seal is so much like that of the above-mentioned seal of the Supreme Court, and the style of lettering of the legends is so similar, that unquestionably they were cut by the same engraver. Since the device of the Supreme Court seal was intended to be that of the Great Seal, with the legend added,

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[16] Regarding Maverick and others of his family who were engravers, see *Appleton's Cyclopædia*, IV, 266; *Dict. Amer. Biog.*, XII, 432; Fielding, *Dictionary of American Painters*, pp. 232–233; Groce and Wallace, *Artists in America*, pp. 432–433.

[17] Known impressions are listed, with citations, in Patterson, "First Seal of the Department of State", pp. 52–53.

[18] Miscellaneous Letters, Nov. 1817, p. 58, D.S., R.G. 59, entry 102, N.A.

[19] See Fox-Davies, *Complete Guide to Heraldry*, pp. 236–237; Franklyn and Tanner, *Encyclopaedic Dictionary of Heraldry*, pp. 114–115. Although all dies of the Great Seal have been cut showing the eagle displayed, with wing tips pointing up, the seals of the President and the Vice President, like those of the Supreme Court and the Dept. of State, were used for many decades with the wing tips pointing downward. See Chapters XVI and XVII.

the device of the Department of State seal must likewise have been so intended, despite the altered posture of the eagle on both, presumably an error by the engraver, who may not have seen an actual Great Seal impression. The seal of the Department shows the better execution of the two, that of the Supreme Court having the appearance of being off center and unbalanced, perhaps in consequence of being cut first.

Regarding the original seal presses, the story that the one acquired in 1790 for the Supreme Court still exists has failed to withstand investigation. A brief article in the *American Bar Association Journal* for July 1941[20] has with it an illustration that purports to show the "original Seal of the Court, now 150 years old . . . still preserved in good condition . . . The seal and its mechanism all intact is now kept in a vault in the custody of" the Marshal of the Court. The illustration shows an old screw-action seal press measuring perhaps 12 inches high. In response to the author's inquiry, the present Curator of the Court stated that the press shown in the illustration "is labeled as having been made in 1869 by a Washington company".[21] No press of 1790 survives.

Whatever press was first used for affixing the Department seal, it soon presented problems. An old account book records payment on December 21, 1799, of 37½ cents to the Department's messenger, John Lee, for "mending Office Seal".[22] Two months later, on February 26, 1800, the Department paid Adam Eckfeldt $100 "for a large Office Seal Press".[23] Adam Eckfeldt was a blacksmith and expert machinist who was then working for the United States Mint at Philadelphia. Entering the service of the Mint in 1792, he became assistant to the Chief Coiner on January 1, 1796, and Chief Coiner on February 15, 1814, serving continuously until his resignation in 1839.[24] For Eckfeldt's press

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[20] "Seal of Supreme Court", p. 461.

[21] Letter to the author, Aug. 19, 1974, from Miss Catherine Hetos, Curator, Supreme Court of the U.S., Washington.

[22] Day Book, 1798–1820, p. 64, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[23] *Ibid.*

[24] Regarding Adam Eckfeldt and his connection and that of other members of his family with the Mint at Philadelphia from 1792 into the 1920's, see Stewart, *First U.S. Mint*, pp. 25–26, 79, 81–86, 97, 101, 104, 110, 123–124, 178, 179. For a picture of a medal bearing Eckfeldt's profile, see Clain-Stefanelli, *National Numismatic Collections*, p. 16.

the Department built a "frame and table", buying the lumber and hardware for it in late February and early March; and on March 10 it purchased a "Lignum vita block for the cushion to the new seal Press" for 12½ cents; an "Iron ring for ditto" for 62½ cents; and a "Leather for ditto" for 50 cents.[25] This was shortly before the Government moved from Philadelphia to Washington in May–June 1800.

Like the Great Seal die of 1782, the Department seal die of 1790 was used without a counter-die. It was impressed in the manner described in Chapter XIV for the Great Seal. Briefly, the sealing officer moistened a "wafer" of red adhesive and placed it on the document at the point where the seal was to go, laid a "seal paper" over the wafer, rested the whole on the seal press cushion directly under the die, and turned the handle on the screw, bringing the die down firmly. The spongy wafer, which hardened soon afterward, served the double purpose of sticking the seal paper to the page of the document and bringing out the device of the die in relief. The usual seal paper used with this die was white and about 2 inches in diameter, its edge serrated to a depth of about ¼ of an inch. The Department's messenger cut the seal papers, employing a special iron tool, frequently sharpened, which he struck with a mallet on a wooden block.

As for the name of this seal, the quoted act of Congress approved September 15, 1789, called it "the seal of office". During the first two decades of its service it was frequently referred to as such. Other names for it were "the privy seal" and "the office seal", the latter continuing in occasional use into the 1820's.[26] At least as early as 1796, however, it was also termed—in the engraved passport form of that time—"the seal of the Department of State", a designation that eventually superseded the others.

The seal of 1790 served a diversity of purposes. The act approved September 15, 1789, specified one of them, the authentication of copies made from records and papers in possession of the Department (the fee of 25 cents for this service was terminated

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[25] Day Book, 1798–1820, p. 66.

[26] Papers Cont. Cong., item 187, *passim*. Day Book, 1798–1820, *passim*. Day Book, 1824–1826, *passim*. Accounts Records, D.S., R.G. 59, N.A.

by act approved April 23, 1856 [27]). In fact, during the earliest years of the Department this was its chief use. Of more than a hundred recorded instances of the affixing of the seal between May 28, 1790, and December 31, 1795, all but twenty-two were for the authentication of copies of records or papers, and twenty of those were for "certificates" not otherwise identified.[28] Another use of the seal was on certifications by the Secretary of State as to the authenticity of signatures and seals on certain papers emanating from Federal, State, and municipal offices, and on certifications as to the signatures or identities of incumbents of particular Federal, State, or municipal offices. Earliest known instances of such employment of the seal were on October 13, 1792, on a certificate as to the name, signature, and office seal of the mayor of Philadelphia, and May 10, 1793, on a certificate to the effect "that Sharp Delany is at present Collector for the District of Penn[a]." [29] Another use was on passports issued by the Department to American citizens intending to travel outside the country. Although discontinued in August 1820, this use of the seal was revived in May 1874.[30] During the interim such passports bore an indifferently accurate facsimile of the seal, imprinted in black ink from the engraved plate that reproduced the passport form. A further use was on the commissions of commercial agents and some minor employees of the Department abroad who received their appointments from the Secretary of State rather than the President. Still another use was on exequaturs issued to those consular officers of foreign nations whose commissions were signed by the Minister of Foreign Affairs.[31]

The number of impressions made from the die of 1790 in its more than forty years of service must have run well into the thousands. A clue to the frequency of its use survives in the record of purchases of "wafers" for this seal during a fifteen-month period. On June 9, 1798, the Department paid for 200 such wafers;

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[27] 11 Stat. 5.

[28] Papers Cont. Cong., item 187, *passim*.

[29] *Ibid.*, folios 138, 156.

[30] Old Passports, 1874–1878, D.S., R.G. 59, entry 712, N.A.

[31] Exequatur to Charles F. Degen, Vice Consul of Sweden, dated June 23, 1798, bound between papers dated Sept. 16 and Oct. 20, 1801, Foreign Consuls in the U.S., vol. I, D.S., R.G. 59, entry 98, N.A.

on August 13, 1798, for 400; on November 24, 1798, for 1,000; and on August 20, 1799, for another thousand.[32]

The Die of 1834

The die of 1790 continued in use until 1834. On October 8 of that year the Department paid Benjamin Chambers, Washington engraver, die-sinker, and copperplate printer,[33] $120 for "Making Seal of Cast steel & moveable Matrix", and this seal is identified as that of the Department of State.[34] The fact that this purchase included no press, but only the die and counter-die, suggests that the Eckfeldt press of 1800—which, so far as known, had not been replaced in the meantime—continued in service. The further fact that the Chambers "moveable Matrix" was never used suggests that the old press, which was not made to accommodate a counter-die, could not be adapted to it.

Benjamin Chambers, born in Virginia about 1800,[35] is listed in the Washington directory of 1822 as an engraver, die-sinker, and copperplate printer located on the south side of Pennsylvania Avenue between 10th and 11th Streets Northwest.[36] By 1834 his address was the east side of 10th Street between D and E Streets Northwest.[37] Either location was only about six blocks from the Department of State, then at 15th Street and Pennsylvania Avenue. Mantle Fielding observes that he "was doing some fairly good work, in both line and stipple, Washington, D.C., about

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[32] Day Book, 1798–1820, pp. 11, 19, 24, 47.

[33] *Washington Directory*, 1830, p. 9.

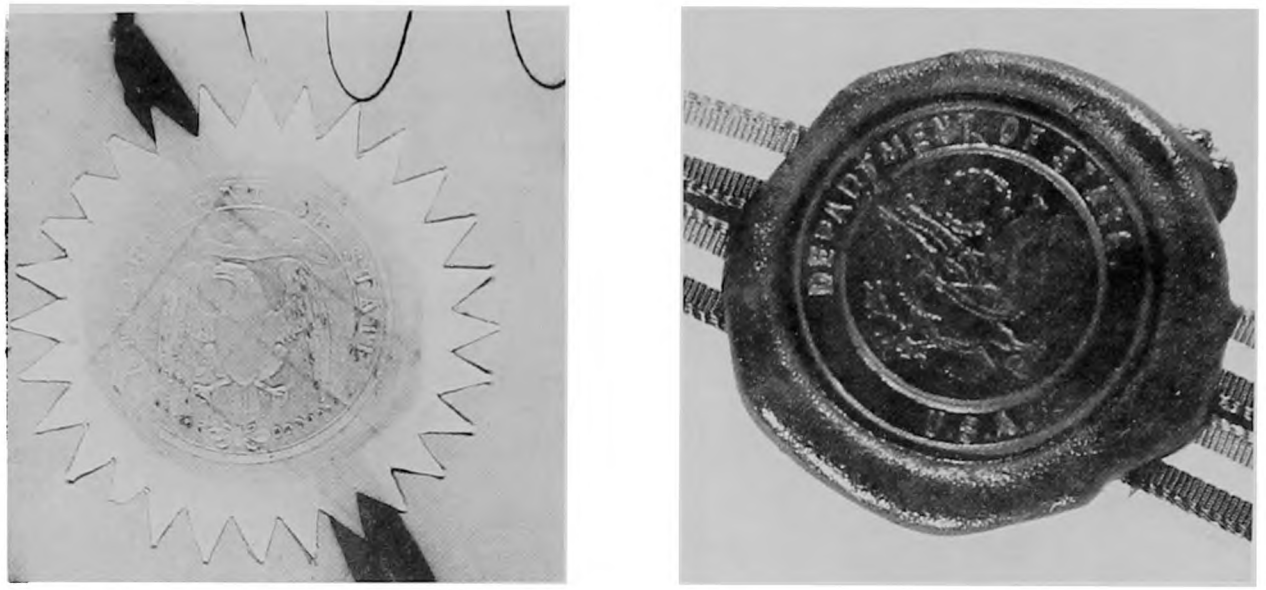
[34] Day Book, 1833–1839, p. 105, Accounts Records, D.S., R.G. 59, entry 228, N.A. Expense Accounts, 1833–1839, under "Chambers B.", Accounts Records, D.S., R.G. 59, entry 229, N.A. Ledger, 1829–1839, p. 114, Accounts Records, D.S., R.G. 59, entry 242, N.A.

On Oct. 26, 1833, the Department paid Chambers for "One Fly press $155, one Seal $120, matrix of Iron & Copper 75—Table or Stand for press $13—Freight of press $2^{50}", or a total of $365.50, from which $15.50 was deducted, leaving the actual payment $350. The records fail to mention what seal this was or for what purpose it was obtained; but the item for freight indicates it was not for use in Washington—and accordingly not the seal of the Dept. of State. Day Book, 1833–1839, p. 47; Expense Accounts, 1833–1839, under "Chambers B."; Ledger, 1829–1839, p. 100.

[35] Groce and Wallace, *Artists in America*, p. 117.

[36] Delano, *Washington Directory*, 1822, p. 24.

[37] Cohen, *Washington Directory*, 1834, p. 10.



89. Seal of the Department of State: Impressions on Paper From the Die of 1834 (*left*) and on Wax From a Die Used in Treaty Work (*right*)

1820–26." [38] He was still conducting his business in Washington as late as 1860.[39]

Impressions from the die of 1834 are circular and 1½ inches in diameter. The central device is that of the Great Seal with two heraldic differences: the eagle's wing tips point downward, as in the 1790 seal, instead of upward; and the arrows are of an indistinguishable number. The points of the arrows are downward; the motto is spelled in full; and the cloud puffs of the crest form an arc under the stars rather than a circle around them. Surrounding the whole device is a plain border, inside the upper three-quarters of which is a horseshoe-shaped panel bearing the legend "Department of State" in capitals; and an ornament fills the space at the bottom between the first and last words. For a photograph of an impression from the die of 1834, see illustration 89.

Evidently the counter-die purchased with this seal proved unusable, for in the spring of 1844 the Department made inquiry about a new seal and press that would specifically overcome this deficiency. The die of 1834 remained in service, however, at least as late as June 10, 1865.[40]

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[38] *Dictionary of American Painters*, p. 60. Fielding misread Chambers' initial as *R*.

[39] Boyd, *Washington Directory*, 1860, p. 53.

[40] Impressions from the 1834 die have been noticed among the records of the Dept. of State, R.G. 59, N.A., and Records of Boundary and Claims Commissions and Arbitrations, R.G. 76, N.A., as follows: Miscellaneous Letters, Aug. 29, 1836, certificate dated Aug. 23, 1836; Mar. 24, 1859, two certificates dated Mar. 29, 1859. Claims Papers, Mexico, 1839, envelope 4, folder 16, certificates dated Apr. 14, 18, and 21, 1837; envelope 9, folder 26, certificate dated Nov. 29, 1841; envelope 15, folder 50, certificate dated Dec. 16, 1839; envelope 17, folder 55, certificate dated Jan. 28, 1842; envelope 17a, folder 61, part 1, certificate dated May 26, 1837; envelope 20, folder 75, certificate dated Jan. 20, 1842. Papers Chiefly Relative to Claims, folder 227, certificate dated Aug. 21, 1837; folder 102, two certificates dated Feb. 19, 1858. Claims Papers, Chile, 1858, envelope 1, folder "Bundle A", certificate dated Dec. 22, 1840. Extradition Papers, box 1, 1836-1858, warrant of surrender dated Sept. 24, 1845. Domestic Letters, XXXVI, 440–441, certificate dated June 10, 1848. Claims Papers, Ecuador, 1852, envelopes 1–2, certificates dated Mar. 6, 1854, June 6, 1862, Oct. 11, 1864, and Apr. 11, May 29 (six), May 30 (three), and June 10 (three), 1865. Consular Despatches, Lauthala, vol. IV, Mar. 18, 1861, certificate of appointment as Commercial Agent dated Dec. 5, 1860. Claims Papers, Peru, 1863, envelope 1, folder 7, certificate dated May 29, 1863; envelope 3, folder 1, certificate dated May 29, 1863; envelope 3, folder 3, certificate dated May 29, 1863.

The Die and Press of 1844

The Department's inquiry was in the form of a letter from Disbursing Agent Edward Stubbs [41] to Edward Stabler [42] at Sandy Spring, Maryland, dated May 18, 1844. Commencing a correspondence that discloses some of the problems and difficulties of obtaining a seal die and press capable of meeting the Department's needs, the letter led to the purchase of a new instrument for use concurrently with the die of 1834 and its press. Stubbs wrote as follows:

> I enclose an impression of the Seal of the Department of State which is used either with wax or wafer— It is desirable to have a press with seal and matrix so as to make a good impression on paper only, if it can be so arranged as to answer the purpose for which the seal will be chiefly used—which is, to be affixed to a certificate authenticating any papers to which it may be attached.—
>
> The certificate is to be attached to the papers by silk taste the ends of which must pass under and be fast to the impression—this can be done by affixing a paper the size of the impression by gum paste to the certificate having the ends of the taste passing between, and so take the impression— The only difficulty which I apprehend, and which must be obviated in the construction of the press, will be to get the impression to the certificate without imparting it to the attached papers.—
>
> I send you a blank form of the certificate by which you can judge how this can best be done. I can only suggest the affixing the papers to be attached by sewing above the place of the seal by which means the single sheet of the certificate could be brought under the seal in the press without introducing the other papers— Let me hear from you upon this subject at your earliest convenience (or, if in the City call and see me) giving me information as to practicability and cost.
>
> I wish to have such a seal and press made as soon as practicable, the press to be used for that purpose only.
>
> You may make the execution of the seal as much better than the sample as you please, but the device must be adhered to.—[43]

Stabler's reply, dated at Sandy Spring May 25, included the following (the brackets are in the original letter):

> As to the first quality or N° 1 Press & Seal for the State Dep[t], I do not perceive any difficulty in affixing the seal, provided the silk taste is

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[41] See Chapter VII, p. 169.

[42] See Chapter XVI, p. 422.

[43] Miscellaneous Letters Sent, XIV, 177–178, Accounts Records, D.S., R.G. 59, entry 202, N.A.

inserted near the edge or margin of the paper, [whether one or half a doz^{n} sheets] and loosely roll all the leaves except the one to be sealed: By this process, I can place the impression on any designated spot on a sheet 3 feet square

This kind of Press will cost $100—and I cannot afford them for less: I usually furnish a mahogany stand & case (under lock & key) tho' at separate charge always—

As soon as I get the Consular Presses fairly under way, I shall visit the City & will call on thee— I can then more satisfactorily vive [*viva*] voce explain the arrangement &c of the Press—[44]

Evidently Stabler called on Stubbs in Washington and received word to go ahead with the die and press. Busy with other work, however, including an order for six consular presses for the Department, he did not write to Stubbs again on the subject until December 23. The relevant portion of his letter follows:

For fear your patience may be entirely exhausted, I send some proof Impressions of the new Seal for the "Department of State"— I have been expecting for 10 days or two weeks to hear of the delivery of the Stand and Case, when I will deliver the Seal & Press— If it has been delivered, please drop me a line—also say how thee likes the seal—

The general design of the old seal is adhered to; tho' I have given the bird "a head & feathers"— I never spent so much time on a seal, so little to my own satisfaction; for out of the design, I could not make a seal to my mind—

I much regret the delay in delivering the work; but situated as I have been, it was unavoidable— This has been the busiest season I ever had; & most of the time my regular hands have been sick; consequently I have had to work night & day to get on even tolerably—doing all the work with my own hands— The work itself is none the worse for this.[45]

Stubbs responded with a letter of December 26 that included the following lines:

I have received your letter of the 23^{d} instant with the impressions of the new seal for the Department.

The Stand and case were delivered a few days ago.

I am much pleased with the execution of the Seal, as I have no doubt will others.[46]

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[44] Miscellaneous Letters Received, Jan. 2–Nov. 30, 1844, Accounts Records, D.S., R.G. 59, entry 212, N.A.

[45] Miscellaneous Letters Received, Dec. 2, 1844–Sept. 30, 1845.

[46] Miscellaneous Letters Sent, XV, 134.

On December 30, 1844, the Department paid Stabler $252 for his No. 1 seal press with cast steel screw, hardened cast steel die, hardened counter die, and mahogany stand and case.[47] Presumably the die and press were in use by this date.

The design of Stabler's die follows closely that of the seal of 1834. It differs slightly, however, in its diameter of 1 9/16 inches; in its sheaf of arrows, which consists of only four, with their points upward; and in the superior quality of the engraving. The counter-die permitted impression of the seal directly on the page of a document, without the use of adhesive wafer or seal paper, and it was usually affixed in this manner.[48]

It seems that the Department soon had some difficulty with the operation of the press, for on October 1, 1846, it paid Stabler for two items of service: $20 for changing the position of the die and counter-die and repairing the counter-die, and $20 for reengraving the die and adjusting it to the press.[49]

The Stabler die of 1844 remained in service at least as late as February 24, 1881,[50] and the press may have seen later use.

The Die and Press of 1880

On July 10, 1880, the Department paid William F. Lutz,[51] of Washington, $37 for a "Seal and Press for Passport Bureau."[52]

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[47] Day Book, 1840–1852, p. 273, Accounts Records, D.S., R.G. 59, entry 228, N.A.

[48] Impressions from the 1844 die among the records of the Dept. of State, R.G. 59, N.A., are fairly numerous. For examples see Old Passports, 1803–1855, certificate dated May 29, 1850; 1874–1878, passports of various dates between 1874 and 1878; 1879–1901, passports of various dates between 1879 and Feb. 24, 1881.

[49] Day Book, 1840–1852, p. 332.

[50] Impressions from the die of 1844 are on an extradition certificate of request dated Jan. 12, 1881, and on a passport dated Feb. 24, 1881. Extradition Papers, box 18, 1880–1881, D.S., R.G. 59, entry 576, N.A. Old Passports, 1879–1901.

[51] See Chapter XII, p. 232*n*.

[52] Contingent Expenses, Dept. of State, 1867–1881, p. 396, Accounts Records, D.S., R.G. 59, entry 232, N.A. This is presumably the die concerning which the Dept. of State had first consulted the Bureau of Engraving and Printing. A letter of Feb. 12, 1880, from the Bureau, with a penciled instruction by Chief Clerk Sevellon A. Brown to consult Lutz, who would probably do the work for less money, is filed by error in Miscellaneous Records Concerning the Great Seal, 1881–1909, D.S., R.G. 59, entry 856, N.A. See Chapter XII, p. 231*n*.

Presumably it was put into use about that time, although the earliest impression from this die that has been found is on a paper dated March 31, 1881.[53] On August 11, 1885, the Department paid Lutz $28 for "recountering and repairing" his seal.[54]

Impressions from the die of 1880 measure 2 5/16 inches in diameter and show a somewhat modified design which differs from that of the Great Seal on three points of heraldry: the eagle, although otherwise "displayed", has its head turned to its left, as on the President's seal at that time; the eagle's left talon holds only three arrows, instead of thirteen; and in lieu of the crest there are fourteen stars, seven in a horizontal line above the scroll and seven scattered below it. Both eagle and shield are of distinctive shape. Encircling the device and set off within concentric circles is the legend, in capitals, "Department of State United States of America", the two groups of words separated from each other at either side by five-pointed stars. Surrounding the legend is an ornamental milled border, which is in turn surrounded by another circle at the rim of the die. This seal was sometimes impressed directly on the page of the document and sometimes on a glossy red paper wafer.[55] The Lutz die of 1880 is preserved in the Authentication Branch of the Department of State. For a photograph of it, see illustration 90.

In 1910 the Department's Bureau of Citizenship, which then handled both passport matters and authentications[56] and which was still using the Lutz seal and press of 1880, had trouble twice with the press. On March 15 and again on July 16 the Department

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[53] Impressions from the die of 1880 are on a certificate dated Mar. 31, 1881, and on passports dated May 3 and 12, 1881. Claims Papers, France, 1880–1884, envelope 2, folder 1. Old Passports, 1879–1901.

[54] Contingent Expenses, Dept. of State, 1881–1889, p. 150.

[55] There are numerous impressions from the 1880 die among the Department's records. For examples, see Old Passports, 1879–1901, passports of various dates from May 3, 1881, to 1900; Claims Papers, Russia, 1900, envelopes 1–2, certificates of various dates in 1900; certificate of appointment of William J. Russell, July 19, 1887, enclosed in Instruction No. 480 to the Legation in Guatemala, D.S., R.G. 84, N.A.

[56] Hunt, *Dept. of State*, pp. 241–242. From 1887 or earlier until 1917, duties relating to passports and authentications, both of which involved use of the Department seal, were combined in a single office, that of the Passport Clerk until 1895; the Bureau of Accounts, 1895–1902; the Passport Bureau, 1905–1907; and the Bureau of Citizenship, 1907–1917. Summers, *Outline*, pp. 101–102.

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90. Seal of the Department of State: Dies of 1880 (*left*) and 1934 (*right*)

paid J. Baumgarten Sons Company,[57] of Washington, $25 for repairing it [58]—only to replace it the following year.

The Die and Press of 1911

On April 20, 1911, the Department paid the Baumgarten firm $250 for a "Seal Press with Steel Die for Bureau of Citizenship".[59] The new die, which measured 2¼ inches in diameter, retained the legend of the 1880 die but substituted for the central device a reproduction, in reduced size, of the device of the Great Seal die of 1904.[60] It was thus only in 1911—twenty-six years after James Horton Whitehouse had produced the design of the Great Seal which was put to use in 1885 and which has ever since been the basis of the Great Seal obverse (see Chapter XII)—that the seal of the Department of State was brought into conformity with that design. While, as shown below, nineteenth-century dies of the Department seal, with their antiquated designs, continued to be used for some purposes, since 1911 the Department's seal has taken the Whitehouse design as its central device, although the encircling legends have shown a considerable degree of variation. But basically the Department's die of 1911 set the pattern for all later dies, including those currently (1976) in use.

The Die of 1917

In 1917 authentication duties were transferred from the Bureau of Citizenship to the Bureau of Rolls and Library.[61] Apparently at this time—record of the exact date has not been found—a new die was obtained for use on authentications. This die, of the same size as the 1911 die and a close copy of it, was cut by the Washington firm of Lamb & Tilden—the firm name

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[57] For information on the Baumgarten firm, see Chapter XI, p. 225.

[58] Bill Book, 1910, pp. 108, 184, Accounts Records, D.S., R.G. 59, entry 237, N.A.

[59] *Ibid.*, 1911, p. 139.

[60] Impressions from the 1911 die have been noticed in R.G. 11, N.A., as follows: Amendments to the Constitution, Sixteenth Amendment, p. 8/3, certificate dated Feb. 25, 1913; Seventeenth Amendment, p. 7/3, certificate dated May 31, 1913.

[61] Summers, *Outline*, p. 102.

is on the die. Fixed in an iron hand press of lever-action type, it is one of the two dies in current use in the Department's authentications office. The 1917 die introduced a new detail in the design of the Department's seal: it showed fourteen clearly defined cloud puffs surrounding the stars in the crest, and the Bureau of Engraving and Printing still cuts fourteen cloud puffs on dies of the Department seal.[62]

The author first saw this die and press on June 13, 1949, when he visited the office of Mrs. Mary P. Chauvin, of the Department's Protocol Staff, who was then Authentication Officer. According to notes made at that time,[63] it was a cast iron lever-action press weighing 37 pounds and having a handle 15 inches long. Of old fashioned appearance, it was painted black with gilt trim, was ornamented with a figurehead, and showed evidence of much use. No maker's name could be found on the press. The die and counter-die appeared not to be the first to have been used in it. The steel die had on its edge the name "Lamb & Tilden", and the counter-die bore the number 407813. Mrs. Chauvin showed the author four or five discarded seal dies, one of which was that cut by Lutz in 1880 and used until 1911. The evidence suggested that the old lever-action hand press was the press purchased from Lutz in 1880 and used with the Lutz die until 1911, when the Lamb & Tilden die was installed in its place.

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[62] Impressions from the 1917 die are in Amendments to the Constitution, Eighteenth Amendment, p. 5, certificate dated Jan. 29, 1919; Nineteenth Amendment, p. 5, certificate dated Aug. 26, 1920; Twentieth Amendment, pp. 3/3, 5/1, certificates dated Mar. 8, 1932, and Feb. 6, 1933. Information on the practice of the Bureau of Engraving and Printing with regard to the number of cloud puffs was supplied by Mr. Egesto A. Ligi, of the Bureau's Engraving Division, Aug. 2, 1977. Mr. Ligi also supplied a copy of a memorandum of June 29, 1938, by Alvin W. Hall, Director, Bureau of Engraving and Printing, which gave the following details for the Dept. of State seal: 13 stars, 14 clouds, 13 stripes in shield, 17 feathers in each wing of the eagle, 9 feathers in the eagle's tail, 13 arrows, 13 leaves on the olive branch, and 13 olive berries. Hall's memorandum pointed out that these specifications were identical to the obverse design of the Great Seal except that the latter had 19 cloud puffs (with the exception that the Great Seal as engraved on the $1 bill had only 14 cloud puffs). With respect to the cloud puffs on the $1 bill, Hall stated: "The variation between our engraving and the Great Seal is not contrary to law since the latter does not specify in this particular, but is merely a matter of embellishment which the artist is licensed to execute in his discretion." See Chapter XV, pp. 402–407.

[63] Memorandum of June 13, 1949, in the author's files. Letter to the author, July 1, 1975, from Mr. Francis J. Fillius, Authentication Branch, Dept. of State.

Recent Dies and Presses for Authentications

In more recent years the Department has maintained the practice of having separate batteries of dies and presses in separate areas of the Department for authentications and for other uses.

On June 28, 1934, the Department purchased an electrically operated press for authentications work.[64] The Bureau of Engraving and Printing cut the die as an almost exact duplicate of the hand press die, and it provided counter-dies. After thirty years of constant service, this press wore out; and in June 1964 the Department ordered a new electric press to replace it. The new press was delivered on April 4, 1966. The next day a representative of the Bureau of Engraving and Printing measured it for a new die, which was cut in exact conformity with the design of the previous die. The old electric press was repaired and used as a standby for about two years before being dismantled and discarded because of the need for office space.[65] The 1934 die and counter-die, however, have been preserved. For a photograph of the die, which shows the seal design still in use (1976), see illustration 90.

With acquisition of the first electric press, the hand press was relegated largely to backup status, serving when the other was out of commission. It has, however, accompanied the Secretary of State on at least one official trip away from Washington, having been taken to the United Nations Conference on International Organization at San Francisco in 1945 and used there to certify copies of the Charter of the United Nations[66] and the related interim arrangements.[67] It is used currently when an impression is needed directly on the page of a document, without the use of a wafer, because the electric press tends to cut through the paper. For most purposes, however, the paper wafer is used, and for many years this has been of glossy red with saw-toothed edge. In the case of all multipage documents to which the

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[64] Information supplied by Mr. Raymond L. Stegmaier, Division of Central Services, Dept. of State, Aug. 11, 1949.

[65] Information supplied by Mr. Fillius, Mar. 6, 1974. Letter to the author, July 1, 1975, from Mr. Fillius.

[66] Bevans, ed., *Treaties*, III, 1153–1195.

[67] *Ibid.*, pp. 1148–1152.

Department seal is affixed, current practice is to bind the pages together with red ribbon, passing it under the wafer, which is glued to the document; and the impression is then made on the wafer with the electric press.[68]

The act of Congress approved September 15, 1789,[69] which provided for the making of the Department seal, specified its use for authenticating "copies of records and papers". Besides this use on certificates of authentication of copies from the Department's files and records, the seal is employed today on certificates of authentication of certain seals, namely, those of the Executive departments and independent agencies of the Federal Government, those of the States and Territories, and those of the Secretaries of State of the States, where they have separate seals. (The Department maintains a file of impressions of all the seals to which it certifies.) It is employed also on certificates of authentication of (1) the names and official positions of American consular officers who have performed a certification and/or notarial service under hand and seal, and of (2) foreign diplomatic and consular officers accredited to the United States. Still other types of papers that pass under the Department seal are certificates of request and warrants of surrender in extradition procedures;[70] certificates of designation (to persons attending certain special conferences); certificates of designation of consular agents; certain assignment commissions for consular officers; full powers to negotiate and sign treaties and other international agreements; documents of identity for American diplomatic couriers; and orders and regulations emanating from the Department and filed for publication in the *Federal Register*.[71] The Department's Authenti-

[68] Information supplied by Mr. Fillius, Mar. 6, 1974.

[69] 1 Stat. 68.

[70] Information supplied by Mr. Frederick M. Diven, Office of the Legal Adviser, June 10, 1949.

[71] Examples of types of documents which at one time passed under the Dept. of State seal but no longer do so—either because the function of issuing them has been transferred to another agency or because they are no longer issued at all—include (1) certificates on the entry into force of amendments to the Constitution of the U.S. (function transferred to the General Services Administration) and (2) revisions of and supplements to the Proclaimed List of Certain Blocked Nationals (issuance discontinued after World War II). Concerning the use of the seal in connection with the Proclaimed List, see a study by Jean E. Fassnacht, "The Impact of the War on the Division of World Trade Intelligence", p. 9, D.S., War History files, R.G. 59, N.A.

cation Branch currently has seventeen different types of printed forms for certifications or authentications under its seal.[72]

Prior to October 29, 1945, the Chief Clerk signed authentications. On that date Miss Mary T. Pompei assumed her duties as the Department's first Authentication Officer. Following her marriage, she signed as Mary P. Chauvin, effective February 13, 1947. Mrs. Chauvin's successor, Miss Barbara Hartman, assumed her duties March 2, 1952, and retired June 30, 1972. She was succeeded in turn by Francis J. Fillius, who signed in an acting capacity until officially designated Authentication Officer July 23, 1972. Following Fillius' retirement on September 11, 1976, Harold J. Slaughter was authorized to sign as Acting Authentication Officer effective September 14, 1976.

During the year 1974 the Authentication Branch authenticated 34,420 documents, affixing the Department seal that number of times.

Recent Dies and Presses for Passports

Turning now from the seal dies and presses used recently and currently in the Department's authentication work to those used in its passport work, one notes a trend during the past fifty years toward greater simplicity and efficiency in the passport format and its preparation and sealing.

In January 1918, with the adoption of a more convenient format, the Department put into use a new die for sealing passports. This was of the same pattern as the 1911 die but only 1¾ inches in diameter. It was the first of a series of passport seal dies that has continued to the present. Becoming worn from constant use, these dies have to be replaced with some frequency. All but one of the series were cut by the Bureau of Engraving and Printing, and they have been so nearly identical that their impressions cannot be distinguished from one another with the naked eye. Until 1926 the seal was impressed on a red paper

[72] Except as indicated in footnote 70, this paragraph is based largely on information supplied by officers of the Protocol Staff of the Secretary's Office in June 1949, updated and confirmed by letter to the author, July 1, 1975, from Mr. Fillius.

wafer glued to the document; and from the first use of photographs, in 1914, a second impression was placed partly on the photograph and partly on the passport itself. To save time and labor, a new passport format that was first used on March 22, 1926, had a facsimile of the wafer imprinted in red ink; and the seal was impressed on this facsimile and also partly on the photograph, as previously.

Later developments took the process of issuing passports into the age of electronics and big business. In 1929 the Department purchased from the American Perforator Company an electrically operated seal press, which the Passport Division then put into service. On April 7, 1932, the Bureau of Engraving and Printing installed new dies and counter-dies in the three seal presses then in use in the Passport Division: the hand-operated press in the reception room, the hand-operated press in the mail room, and the power press in the mail room. In 1949 the Department purchased from the American Perforator Company an improved power press for the Passport Division, and it was put into service along with the older electric press and two hand presses. Each of the four was fitted with a die like that of 1918.

These four presses have since been superseded and all but one discarded. The smaller hand press was of simple lever-action type. The larger, a huge old cast steel affair of screw-action type, which may be the press that Edward Stabler supplied in 1844, was in daily operation until 1929 and was used almost daily as a backup machine until 1956. It is now on display in the "Parade of Progress Museum" in the Passport Office. There is no identifying plate or mark on it. The heavy hand-made wooden stand to which it is bolted appears to be as old as the machine itself. It is not, however, the mahogany stand that Stabler furnished with his press in 1844.[73]

In 1957 the American Perforator Company produced the first combination seal-and-legend machine for the Passport Office.

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[73] This and the two preceding paragraphs are based on information furnished by officers of the Passport Division in June 1949; on data in Passport Division subject files VI/A, VI/A/15, and X/A, seen at that time; and on a letter to the author, Aug. 28, 1974, from Mr. Robert D. Johnson, Acting Director, Passport Office, Dept. of State, Washington. For a photograph of the old hand press, see U.S. Dept. of State, *U.S. Passport*, p. 86.

Until January 1, 1961, the seal was impressed on both the red wafer facsimile and the photograph of the passport bearer glued to a page of the passport. With the introduction in 1961 of a new passport format that omitted the red wafer facsimile, the seal was embossed only on the photograph. In May 1961 the Department placed in operation a combination seal-and-legend machine purchased from the Safeguard Corporation. This machine, which was in service until October 1964, employed the only die in the history of the Department seal that was cast rather than engraved. On October 8, 1964, the Department purchased a hydraulic combination seal-and-legend machine from International Peripheral Systems. It and a similar machine more recently acquired are now in daily use in the Passport Office in Washington, with one manual combination seal-and-legend machine in reserve for emergencies. Within just a few decades technological developments have replaced the Passport Office's old hand presses with electrically operated hydraulic combination seal-and-legend machines equipped with page-sensing switches that automatically emboss the Department of State seal and serrate the following legend in three colors, all in one operation:

PHOTOGRAPH ATTACHED
DEPARTMENT OF STATE
W A S H I N G T O N

At the present time (1976) there are ten field offices of the Passport Office, known as "Passport Agencies", located in Boston, Chicago, Honolulu, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, and Seattle. In former times each Passport Agency had and used its own seal, which consisted of the coat of arms of the United States surrounded by a legend, such as "Department of State Passport Agency Miami". Sometime between 1958 and 1960, "to create uniformity in passport processing procedures in the Passport Office and its Field Agencies", the Department replaced the Agency seals with Department of State seals. Currently there are eleven International Peripheral Systems hydraulic combination seal-and-legend machines in daily operation in nine of the ten Passport Agencies (the Honolulu Agency has only a manually operated combination

machine); and each of the nine has also a manual combination seal-and-legend machine for emergency use.

As for the total number of seal dies in use in the hydraulic and manual combination seal-and-legend machines, there are twenty-four, thirteen in the hydraulic machines and eleven in the manual machines. Additionally, a reserve set of seal dies is available for each of the hydraulic machines for emergency purposes. The old hand (notarial type) seals have been retained by the Passport Office and its Agencies and are being used in processing endorsements, amendments, extensions, and validations, and in adding visa pages. There are twenty-six of these seals still in use throughout the Washington office and the ten Passport Agencies. Replacement dies for all the passport seal machines are obtained from the Bureau of Engraving and Printing and are like those of 1949, which perpetuated the design of 1918.

The Department seal is impressed today not only on each passport as originally issued, but also whenever there is a change in the document, such as an endorsement, amendment, extension, validation, or limitation of a valid passport, or the addition of visa pages. In the period from July 1, 1972, to June 30, 1973, for example, the seal was impressed on 2,471,461 new passports and, in addition, about 225,000 times in connection with changes in existing passports. (These figures do not include, of course, the use of seals of Foreign Service posts in connection with activities, functions, and services relating to the Passport Office.) In 1974 the Passport Office in Washington used the Department seal 477,303 times in passport issuances and 128,401 times in processing endorsements, amendments, extensions, and validations, and in adding visa pages.[74]

Recent Dies and Presses for Munitions Control Work

A third area of the Department of State which has its own dies of the Department seal, with presses for its use, is the Office

[74] This and the three preceding paragraphs are based on information in letters to the author, Aug. 28, 1974, from Mr. Johnsou, and May 13, June 5, and July 3, 1975, from Mr. A. Roy Mackay, Special Assis·ant to the Deputy Director for Legal and Security Affairs, Passport Office.

of Munitions Control in the Bureau of Politico-Military Affairs.[75] Here the Department seal is impressed on licenses issued by the Department of State authorizing the commercial export or temporary import of arms, ammunition, implements of war, and related technical data.

The first die obtained for munitions control work was purchased in 1945 or 1946 from the Lamb Seal & Stencil Company, of Washington, and was used with a counter-die in a heavy iron hand press with lever action. The impression from the die was made on a glossy red wafer until the early 1960's and thereafter directly on the license without a wafer. This die, which measures $1\frac{13}{16}$ inches in diameter, and which has the legend "Department of State United States of America" within concentric circles, was in constant use from the date of its installation until early 1972.

About 1965, because of the volume of work, the Department bought for munitions control operations a second, substantially identical die, counter-die, and press. This equipment was likewise supplied by the Lamb Seal & Stencil Company, and was used concurrently with the first die until early 1972, by which time the volume of licenses issued and sealed had reached about 12,000 a year. Both hand presses have been retained for emergency use.

On January 12, 1972, the Department purchased a new die, $1\frac{15}{16}$ inches in diameter, a counter-die, and an electric press from the Baumgarten Company of Washington, a firm descended from that which cut the Great Seal die of 1877.[76] The press was manufactured, however, by Meyer & Wenthe, of Chicago. The purchase price was $585. This instrument was used for munitions control work from early 1972 until May 1976, and it has been retained for possible emergency use.

The die, counter-die, and press used currently (1976) by the the Office of Munitions Control was likewise bought from the Baumgarten Company and manufactured by Meyer & Wenthe.

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[75] The author is indebted to Miss Bonnie J. Maxwell, of the Office of the Historian, Dept. of State, for calling attention to the purchase of a new Department seal in 1976. Inquiries about the new seal led to the discovery that separate dies for munitions control work had been in use for three decades.

[76] See Chapter XI.

The die, $1^{3}\frac{1}{32}$ inches in diameter, is surrounded by a circular border in a rope design, but (like the die of 1972 and unlike the earlier Lamb Seal & Stencil dies) has no circle separating the legend from the central design. The instrument, including a solid state electronic press made principally of lucite, was delivered on May 17, 1976, at a cost of $1,495. In the first five months of use, the new seal was impressed approximately 14,000 times.[77]

Dies Used in Treaty Work

The use of the Great Seal in connection with treaties has been discussed in detail in Chapters VII and XIV. It is important to note, however, that the Great Seal has been used before the signing of a treaty (as on a full power) and after the signing (as on an instrument of ratification and a proclamation), but not at the signing ceremony. During most of the country's history, personal seals of the signers were affixed (usually to the left of each signature, but sometimes in other arrangements) when a treaty was signed.[78] Not that there has ever been a statutory requirement in the United States for such seals; it was a custom of European courts which American representatives, both abroad and in Washington, followed as a matter of course.[79]

In the last several decades, however, the use of wax seals in connection with the signature of treaties and other international agreements has become less common, and by 1972 officers signing agreements on behalf of the United States affixed such seals only if the other party or parties requested that seals be

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[77] Letter to the author, Oct. 19, 1976, from Miss Nancy L. Hindman, Chief, Administrative Branch, Office of Munitions Control. The information given in Miss Hindman's letter was based not only on her own sixteen-years of experience in munitions control work but also on the knowledge of Mr. John A. Sanford and Mr. J. Harold Darby, whose combined experience in that work totaled fifty-five years. *Washington Star*, May 11, 1976, pp. C8, C12.

[78] For photographs of signatures on treaties of 1783 and 1846, showing personal seals affixed at the time of signature, see U.S. National Archives, *The Written Word Endures*, pp. 11, 36.

[79] It has been noted elsewhere that John Adams used the seal of his mother's family in signing the Treaty of Paris, 1783, and that Secretaries of State from John Quincy Adams to William P. Rogers used personal seals in signing treaties and agreements. See Chapter XX, p. 532*n*.

used. Fewer and fewer foreign governments made such requests, and more and more agreements were signed but not sealed.

The Soviet Union, however, and other governments which followed Soviet practice in this matter have routinely asked that seals be affixed in connection with the signature of international agreements. It has been Soviet practice to affix an official seal, and to certain instruments signed at Moscow the United States representative also affixed an official seal, using the seal of the American Embassy at Moscow for this purpose.[80] On other instruments signed at Moscow, however, and on Soviet-American agreements signed at Washington, United States representatives affixed personal seals.[81] It was becoming increasingly apparent to American officials, nevertheless, that the Soviet authorities, and those of some other eastern European countries, would prefer that an official seal of the United States Government be used in connection with the signature of bilateral agreements.

When President Richard Nixon traveled to Moscow in the spring of 1972, accompanied by Secretary of State William P. Rogers, Secretary of the Navy John W. Warner,[82] and others, the signature of a number of agreements was anticipated, and it was obviously desired that technical problems not impede the substantive discussions. Knowing the Soviet preference for official seals, Charles I. Bevans,[83] Assistant Legal Adviser for Treaty Affairs in the Department of State, who accompanied the Presidential party, went to Moscow prepared to meet the desires of his Soviet counterparts in this respect. He therefore had borrowed from the Department's Authentication Branch two dies of the Department of State seal that were not then in current use.

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[80] The Embassy seal was affixed in two forms: a die impressed by hand on wax and a die (used with a press and counter-die) impressed on a paper wafer. For examples of these two types of seal, see, respectively, U.S. Treaties and Other International Acts Series Nos. 6693 and 7343, R.G. 11, N.A.

[81] As mentioned below, when the consular convention of 1964 was signed at Moscow, Ambassador Foy D. Kohler used a personal seal. When an agreement on measures to reduce the risk of outbreak of nuclear war was signed at Washington on Sept. 30, 1971, Secretary of State William P. Rogers likewise used a personal seal—affixed upside down. See U.S. Treaties and Other International Acts Series No. 7186, R.G. 11, N.A.

[82] For a biographical sketch, see *Who's Who in America*, 38th ed., II, 3217.

[83] For biographical sketches, see *Register D.S.*, 1974, p. 26; *Who's Who in Government*, 1st ed., p. 39. This section is based in part on information supplied by Mr. Bevans, May 25 and June 28, 1977.

One of these dies was engraved on a brass disk 1¼ inches in diameter and ⅜ of an inch thick, with a brass handle attached, giving the seal a total length of 3¾ inches. The central device of the Department of State seal was cut on the face, surrounded in concentric circles by the legend "Department of State. U.S.A.", the inner circle having a diameter of 13/16 of an inch. The origin of this die has not been traced, but its age and form suggest that it had orignally been obtained to seal official correspondence by impressing it on sealing wax. After Bevans had borrowed this seal from the Authentication Branch several times, it was formally transferred to his custody on January 14, 1974, [84] and it is still (1976) in the keeping of the Assistant Legal Adviser for Treaty Affairs. For a photograph of an impression from this die on wax, see illustration 89.

The second die which Bevans took to Moscow was a steel die without handle which had originally been intended as a "surface die" for use in printing rather than embossing. Manufactured by the Bureau of Engraving and Printing in 1917,[85] it bears the Bureau's identification number 11510. The receipt which Bevans signed for this die survives. Dated May 18, 1972, it reads as follows:

> Delivered to Mr. Bevans . . . the Female portion of a 1¾ inch die of the State Department Seal . . . To be taken to Moscow with the President's party [86]

This die also has the central device of the Department seal, but the legend, within concentric circles, reads "Department of State United States of America", with a star on each side separating the two parts of the legend. The device, with the legend and circles, is 1½ inches in diameter, but the total diameter of the steel disk—and therefore the size of an impression in wax, including the border—is 1 15/16 inches. The steel disk is ⅞ of an inch thick, with a stub ⅞ of an inch long and 9/16 of an inch in

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[84] Memorandum of transfer in the files of the Authentication Branch, Documents and Reference Division, Foreign Affairs Documents and Reference Center, D.S.

[85] Information supplied by Mr. Stanley E. Scantlin, of the Engraving Division, Bureau of Engraving and Printing, July 18, 1977.

[86] Receipt in the files of the Authentication Branch, D.S.

diameter attached to the back. In keeping with its original purpose, the engraving is very shallow.

Bevans carried with him the brass die, while the larger steel die was sent to the Soviet Union with other materials for the President's party. As it turned out, there was a delay in delivery of the steel die to Bevans in Moscow, so that he had only the brass die when the first agreements were ready for signature.

It was thus the small brass die that was used, with red sealing wax, on the first two international agreements to be sealed with the official seal of the Department of State as part of the signing process. Those instruments, both signed at Moscow on May 23, 1972, were an agreement on cooperation in the field of medical science and public health,[87] signed on behalf of the United States by Secretary Rogers, and an agreement on cooperation in the field of environmental protection,[88] signed on behalf of the United States by President Nixon. Agreements signed during the next few days, including documents signed by Nixon, Rogers, and Warner, were sealed with the large steel die, which had then been delivered.[89] It should be emphasized that it was the Department of State seal, not the Presidential seal, that was used on documents signed by Nixon. It was also the seal of the Department of State that was used on an agreement signed by the Secretary of the Navy [90] as well as on documents signed by the Secretary of State.

After Bevans had returned to Washington, the Department received a request from the American Embassy at Bucharest for guidance as to whether Rogers should use his personal seal or the Department seal (both of which had been taken along[91]) on

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[87] 23 U.S. Treaties 836–844. U.S. Treaties and Other International Acts Series No. 7344, R.G. 11, N.A.

[88] 23 U.S. Treaties 845–855. U.S. Treaties and Other International Acts Series No. 7345, R.G. 11, N.A.

[89] See U.S. Treaties and Other International Acts Series Nos. 7346, 7347, 7379, 7503, 7504, R.G. 11, N.A. The large steel die was also used on agreements signed at Moscow during Nixon's visit there in 1974. See *ibid.*, Nos. 7867, 7898, 7899, 7910.

[90] The Dept. of State seal has been used also on agreements signed for the U.S. by Secretary of Commerce Paul G. Peterson, Secretary of Agriculture Earl L. Butz, Secretary of the Treasury George P. Shultz, Secretary of Transportation Charles S. Brinegar, and some officers below Cabinet rank. See *ibid.*, Nos. 7513, 7650, 7656, 7658, 7914.

[91] Information supplied by Mr. Horace F. Shamwell, Jr., Deputy Legal Adviser for Management, Dept. of State, May 31, 1977.

a consular agreement with Romania which he was about to sign. Bevans drafted, and the Department dispatched, the following telegram to the Embassy:

> 1. Dept considers use of seals on treaties and other international agreements as simply a practice in international procedure that is not always followed but not as a requirement of international law. Seals of individuals or of Foreign Offices or Embassies are seldom any longer used on multilateral instruments and are very seldom used on bilateral instruments concluded by the United States. Dept would perceive no objection if no seals were affixed to the new consular convention.
>
> 2. If seals are to be affixed to new consular convention, Dept recommends most appropriate procedure is that Secretary's personal seal be used along with his signature on convention, especially if seals are placed at side of signatures or on same page where signatures are affixed.
>
> 3. If seals are to be placed on separate sheet of treaty paper at back of treaty or on the inside back part of binding they are so far removed from signatures that they are essentially a means for binding ribbons that hold instrument together rather than seals of signatories themselves. Each of instruments signed recently in Moscow by President Nixon or Secretary Rogers was sealed on back binding [92] (in case of the USSR original) or on separate sheet of treaty paper (in case of USA original) with seal of Dept of State and seal of Soviet Foreign Ministry but none of those instruments referred in the text thereof to seals.
>
> 4. In 1964 when US-USSR consular convention [93] was about to be signed, Embassy Moscow reported that Fonoff [Foreign Office] treaty expert stated that Sov[iet] treaty practice is to affix seals and since Sovs would use govt seal expressed view that US should do likewise. Embassy stated that it planned [to] inform Fonoff Amb[assador] could not under FSM [*Foreign Service Manual*] regulations use either govt seal (which was not available to Emb) or Mission seal and would therefore use personal seal. Dept instructed Embassy that its suggested use of personal seal was correct procedure. The seals were placed on the back binding, not on pages where signatures were affixed. Those seals were, for Ambassador Kohler,[94] his personal seal consisting of his initials FDK and, for Soviet Minister for Foreign Affairs, the seal of Foreign Ministry.
>
> 5. Dept's present regulations on sealing of treaties and other international agreements (11 FAM 734)[95] contain following note: "With

[92] Treaty binders used by the Soviet Government are made with two sunken wells on the inside of the back cover to hold the wax on which the seals are impressed. For an example of such a binder in U.S. archives, see U.S. Treaties and Other International Acts Series No. 6503, R.G. 11, N.A.

[93] Signed at Moscow June 1, 1964. 19 U.S. Treaties (4) 5018–5058.

[94] Foy D. Kohler. For biographical sketches, see *Who's Who in America*, 38th ed., I, 1739; *Register D.S.*, 1968, p. 302.

[95] This citation is to the *Foreign Affairs Manual*, successor to the *Foreign Service Manual* mentioned above.

the exception of the Secretary of State, a representative must furnish his own seal. It may consist of a signet ring with his initial(s) or family crest, written initials, etc. A corporation seal, the seal of the Dept, a foreign sea[l], or any other nonpersonal seal may not be used in lieu thereof, except that where the representative has no personal seal, the seal of the Mission may be used if seals are required and the other government concerned follows a practice of using the Foreign Office seal." [96]

6. FYI [for your information] the use of government (Embassy or Foreign Office) seals on treaties is confined almost entirely to Communist countries. Dept attaches no legal significance to type of seal used (if not prohibited by national law) but considers use of personal seal as essentially an expression of confidence in person signing and has been disposed to regard the use of official seal as implying a ministerial act rather than one of judgment.[97]

When Rogers signed the consular convention with Romania on July 5, 1972,[98] he used the same small brass Department of State seal that had been used in Moscow on the preceding May 23.[99] (But two days later, in Budapest, he used his personal seal, with the initials *WPR* engraved in a facsimile of his own handwriting, on a consular convention with Hungary.[1]) The Department of State seal has also been used on agreements with Yugoslavia,[2] Poland,[3] and Czechoslovakia.[4] It was recently used also on the treaty of friendship and cooperation with Spain signed by Secretary of State Henry A. Kissinger at Madrid on January 24, 1976.[5]

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[96] For a later revision of this note, see Chapter XX, p. 532*n*.

[97] Telegram No. 120090 to the American Embassy, Bucharest, July 3, 1972, CON 4 HUNG, Central Files, D.S.

[98] 24 U.S. Treaties (2) 1317–1368.

[99] U.S. Treaties and Other International Acts Series No. 7643, R.G. 11, N.A.

[1] 24 U.S. Treaties 1141–1229. U.S. Treaties and Other International Acts Series No. 7641, R.G. 11, N.A. In Warsaw, on May 31, 1972, Rogers had used the Embassy seal in wax on a consular convention with Poland. See *ibid.*, No. 7642. In less than seven weeks, Rogers had thus used four seal dies (his personal seal, the seal of the Embassy at Warsaw, and two different dies of the Dept. of State seal) on agreements signed with three countries—certainly a record for any Secretary of State.

[2] U.S. Treaties and Other International Acts Series No. 7914, R.G. 11, N.A.

[3] U.S. Treaties and Other International Acts Series No. 8486, still in the files of the Office of the Legal Adviser, D.S.

[4] Ex. A, 93d Cong., 2d sess. Original still in the files of the Office of the Legal Adviser, D.S.

[5] U.S. Treaties and Other International Acts Series No. 8360, still in the files of the Legal Adviser, D.S.

A few words should be said about the mechanics of affixing seals to international agreements. When it has been stated above that a seal was used "in connection with" the signing, or that a particular officer "used" a specific seal, it was not meant to imply that the seal was affixed by the signer himself or even in his presence; indeed, in most cases the signer was probably blissfully unaware of what seal or what die was used on the instrument he signed.

In current practice normally followed for bilateral agreements signed in Washington, seals are affixed by a treaty expert *after* signature and *not* in the presence of the signers. The standard practice is for the United States treaty expert and his foreign counterpart to seal the signed agreement in the offices of the Assistant Legal Adviser for Treaty Affairs of the Department of State. There a candle is lighted, a stick of dark red sealing wax is heated, and two small blobs of wax are applied to the page to which the seals are to be affixed—usually (for the United States original) a separate page of heavy "treaty paper" which is bound behind the final page of the agreement, sometimes preceded by a blank page to cushion and protect the seals. The ribbons with which the agreement is tied are then pushed gently into the wax. (For the United States original, tricolored red, white, and blue ribbon is used, and the ribbon is placed with the red at the top.) More wax is then added to encase the ribbons and give adequate depth for impressing the seals. A special application of the principle of the *alternat* is observed here, and on the United States original the Department of State seal is impressed on the blob of wax to the left, while the seal supplied by the foreign treaty expert is impressed on the blob of wax to the right; on the original prepared for the other country, the position of the seals is reversed. In the case of most agreements signed in Washington, the United States expert does all the actual sealing, and the officer who usually performs this function now (1976) is William Michael McQuade,[6] an attorney on the staff of the Assistant Legal Adviser for Treaty Affairs.

[6] For biographical sketches, see *Who's Who in the South and Southwest*, 13th ed., pp. 499–500; *Register D.S.*, 1974, p. 231.

552-751 O - 78 - 35

When agreements are signed abroad, the arrangements are normally in the hands of the host government. Some governments provide electric pots for melting and applying the sealing wax, and some prefer that sealing precede the signing of an agreement. The general procedures are very similar, however, to those described above.

The Assistant Legal Adviser for Treaty Affairs now has in his custody, for use in treaty work, two dies of the Department of State seal. The first is the small brass die discussed above, which is now used on most sealed agreements. The second is a die of uncertain origin and inferior workmanship, made of a very light metal or alloy, with a stubby wooden handle. The legend on it (not enclosed in the usual concentric circles) reads "Department of State United States of America". This second die was used on a 1973 agreement with the Soviet Union[7] signed for the United States by the Secretary of Transportation; the second or spare die was used because the brass die was needed in the Department of State for sealing other agreements being processed at approximately the same time. The light die is also available for use abroad when it seems desirable to keep the brass die in reserve for possible use at home.[8]

The Department of State seal, on wax, is also used occasionally on documents ancillary to international agreements. When Nixon and Rogers were in Moscow in May 1972, for example, it was discovered that Secretary of the Navy Warner's full power to sign one of the agreements had inadvertently been left in Washington. The full power, in accordance with recently adopted procedures discussed in Chapter XIV,[9] had been signed by the Secretary of State and impressed with the Department of State seal on a paper wafer by the Authentication Branch.[10] As the Secretary of State was in Moscow, and as a die of the Department's seal was available there, Bevans had Rogers sign a new full power, and Bevans then impressed the seal on wax and

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[7] U.S. Treaties and Other International Acts Series No. 7658, R.G. 11, N.A.

[8] The last four paragraphs are based on information supplied by Mr. McQuade, May–June 1977. The coauthor is also grateful to Mr. McQuade for suggesting some of the specific agreements which were then studied and cited above in this section.

[9] See *supra*, p. 361.

[10] See *supra*, p. 489.

presented the completed instrument (probably unique in American treaty annals) to the Soviet treaty experts.[11] The Department seal was also used at Sinaia, Romania, on August 3, 1975, on the protocol of exchange of instruments of acceptance which Secretary of State Kissinger signed for the United States[12] during the same ceremony at which President Ford signed and Kissinger countersigned the United States instrument of acceptance of an agreement with Romania on trade relations.[13]

Other Uses of the Department Seal

As this book was being completed, a number of other dies, presses, and seals of various types, all bearing the device of the Department of State seal, were brought to light.

The oldest press in this category would appear to be the one still in use in the Visa Office of the Department of State. It is a heavy iron instrument, of the lever-action type, 13 inches in height when the handle stands upright, or 5½ inches when the handle is in a horizontal position. Much of the original painted decoration survives, although the design of the United States coat of arms that was painted just above the throat of the press has been partly worn away. Installed in this instrument are an old die (similar in design to the 1917 die described above) and a counter-die which now give worn but recognizable impressions. These measure 1 13/16 inches in diameter to the outer circle enclosing the legend "Department of State USA."—only the final period appears on an impression—with a star on each side separating the two parts of the legend. This die and press have been used for visa work for at least three decades, and perhaps a good deal longer than that. In the late 1940's they were regularly used to authenticate official and diplomatic visas issued in Washington, the die being impressed over the signature of the issuing officer. Now, and for many years past, when a visa is to be entered by the Department in a diplomatic or official passport, an electrically powered

[11] Information supplied by Mr. Bevans, June 28, 1977.

[12] The U.S. original of the protocol of exchange is in the file for U.S. Treaties and Other International Acts Series No. 8159, R.G. 11, N.A.

[13] Concerning unusual aspects of the instrument of acceptance itself, which later passed under the Great Seal, see Chapter XIV, p. 382.

machine is used for the purpose, and the visa as stamped in the passport includes a facsimile of the United States coat of arms, but not the Department of State seal. In a few cases, however, diplomatic visas are issued on a separate sheet of paper (Form FS–540) when it would be inappropriate to place the visa in a foreign passport. Such cases arise, for example, in issuing visas to members of official delegations sent to the United Nations or the Organization of American States by countries with which the United States has no diplomatic relations, such as Mongolia, Albania, or Cuba. In these cases the visa is imprinted by machine on the separate form, and the Department of State seal is impressed by hand, partly covering the official's photograph and affixing it to the form. The Visa Office also uses a modified and stylized version of the Department seal, on a rubber stamp $1\frac{15}{16}$ inches in diameter, when extending the accreditation of a foreign official previously admitted for a temporary stay in the United States.[14]

Another old press of the same type, although without such elaborate decoration, is kept (1976) in the Retirement Division of the Office of Employee Services in the Bureau of Personnel. This press, complete with die and counter-die, was undoubtedly passed on to the Retirement Division by some other unit of the Department which no longer needed it, but the unit of origin and the earlier use of the seal have not been identified. Some years ago the instrument was put to use to affix the Department's seal, on a gold paper wafer, to certificates of appreciation issued to individuals retiring from the Department of State and the Foreign Service of the United States. Impressions from the seal measure $1\frac{7}{8}$ inches in diameter; the legend, which is not separated from the central device by the usual inner circle, reads "Department of State United States of America".[15] This use of the Department of State seal has recently been discontinued.[16]

A seal die intended to be impressed by hand on sealing wax was discovered in the Executive Secretariat of the Department,

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[14] Information supplied by Mrs. Bernice W. Duncan, Assistant Chief, Accreditation and Issuance Branch, Visa Office, Dept. of State, June 29, 1977.

[15] Such a certificate was issued to the coauthor in 1975.

[16] Information supplied by Mrs. Patsy L. Smith, of the Retirement Division, July 5 and 7, 1977.

a relic of the obsolete practice of impressing the official seal of the Department on envelopes containing its correspondence. How far back this practice went has not been determined, although it is known that the first Secretary of State, Thomas Jefferson, used a personal seal for some letters written during his term of office; that seal included the script letters *TJ* and an encircling motto, "Rebellion to Tyrants Is Obedience to God".[17] Whether the first official seal of the Department, cut in 1790, was also used on correspondence, is not known, but its successor, the die of 1834, was apparently so used, as a letter (quoted above) from Edward Stubbs to Edward Stabler stated that it was "used either with wax or wafer"—and impressions on wax were probably confined to sealing envelopes.

Certainly the Department, by the late nineteenth century, had at least one hand seal for use with correspondence, and, judging from its design, it was probably obtained before the Lutz die of 1880 placed the eagle's wings on the Department of State seal in the "displayed" position, with wings tips pointing upward. The hand seal referred to showed the eagle displayed with wings inverted, that is, with wing tips pointing down, as on the Department's seal dies of 1790, 1834, and 1844. The shield was shaped with its upper border formed by two arcs, coming to points in the middle and at the two edges, with engravers' horizontal and vertical lines to indicate *azure* and *gules*, respectively, for the chief and the red stripes on the shield. No scroll or motto is visible, but the most remarkable feature of the design is that the eagle grasps three (not thirteen) arrows in its right (not its left) talon, while the olive branch is held in the left talon. Thirteen stars, in groups of three, three, and seven, are scattered above the eagle's head. The central device is surrounded by the legend "Department of State. U.S.A.", placed within concentric circles, with the two parts of the legend separated on each side by an ornament in the shape of a six-petaled flower. A rope border surrounds the whole, which has an overall diameter of $1\frac{3}{16}$ inches. When this seal die was obtained is not known, but it continued to

[17] Concerning this motto, see Chapter II, p. 14. Regarding Jefferson's seal and its use, see Jefferson, *Papers* (Boyd, ed.), XVI, xxxii, 298*n*. For an illustration of the seal, see *ibid.*, facing p. 52.

be used well into the twentieth century, after the Department's seal had been redesigned to conform to changes in the Great Seal design, and it was used concurrently with newer redesigned dies. The description given here is based on a cracked but otherwise perfectly preserved seal impressed on dark red sealing wax on an envelope sent from the Department to President Wilson about December 1915.[18]

Shortly after the Department of State seal die of 1911 was obtained, with its central device patterned on the current die of the Great Seal, the Department seems to have purchased one or more hand dies which reflected the change in design in the departmental seal. By the end of 1915 it was using at least one such hand die to seal confidential correspondence. With an overall measurement of 1⅛ inches in diameter, the new die showed an eagle modern in design, with scroll, motto, and crest, fourteen cloud puffs, and arrows and olive branch properly arranged, and with an encircling legend which read "Department of State, U.S.A." within concentric circles, but with no decoration between the two parts of the legend.[19] Although there are some differences in detail, the seal just described is very similar to that which made the impression shown in illustration 89.

The practice of sealing envelopes containing confidential communications with the Department of State seal appears to have continued uninterrupted for another three decades. In 1942, for example, sealing envelopes containing confidential messages with the official seal of the Department was one of the duties of the Mailing Section of the Office of Coordination and Review.[20] A hand die that was probably used in that section is the one referred to above that is still preserved (1976) in the Executive Secretariat of the Department. This particular die is engraved on a brass disk 1 3/16 inches in diameter, and it has a wooden handle

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[18] Preserved in folder "ca Dec, 1915", folio 81093, box 140, series 2, Woodrow Wilson Papers, Ms. Div., L.C.

[19] This seal is described from an impression preserved on an envelope sent by the Dept. of State to President Wilson at Hot Springs, Va., in late Dec. 1915 or early Jan. 1916; *ibid.*, folio 81091. The envelope, marked "Personal and Private", bore three seals impressed in red sealing wax.

[20] See a study by Graham H. Stuart, "The Division of Coordination and Review", p. 3, D.S., War History files, R.G. 59, N.A.

attached. The central device is very similar to that on the seal described immediately above, but the legend reads "Department of State Washington, D.C.", and a five-pointed star on each side separates the two parts of the legend.[21]

Late in World War II the mail rooms of the Department of State were centralized, and it became the function of the "pouch room" to seal individual communications and diplomatic pouches. At least as late as 1948, hand seals were being impressed on sealing wax to close envelopes (known as "paper pouches") that contained a limited number of confidential messages being dispatched by courier to the smaller diplomatic and consular posts abroad. The routine use of hand seals impressed on sealing wax for this purpose is thought to have come to an end shortly after that date.[22]

Completely different types of seals are now used to seal materials sent out by the Department's Diplomatic Mail and Pouch Branch. A "wire lock seal", for example, is used on surface pouches, on bags of mail sent from the Department of State to other agencies of the United States Government, and on shipments of special kinds of communications equipment. A metal wire shaped like a letter *U* is passed through the address tag and through the clasp, and it is then pressed firmly into two holes on a small metal seal shaped like a narrow and elongated quadrefoil, the seal when locked in this way having the appearance of a very small padlock. These seals, which the Department buys in lots of 100,000 from the International Seal Company, of New York, must be opened by cutting the wire and cannot be reused. A tiny replica of the Department seal, stylized and much simplified, appears on the bottom of the seal, approximately where the keyhole would be on an ordinary padlock. This emblem, with the legend "Dept of State USA" in capital letters within concentric circles, measures only ⅜ of an inch in diameter to the outer lines of the circles.

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[21] The coauthor examined this die on May 31, 1977, through the courtesy of Mrs. M. Elizabeth Denham, Correspondence Officer, Executive Secretariat.

[22] Information supplied by Mr. Edward B. Fenstermacher, Chief, Diplomatic Courier and Pouch Division, Dept. of State, June 14, 1977. Mr. Fenstermacher entered on duty in the Department in 1948 and recalls that wax seals were being used at that time.

For other types of diplomatic pouches, the Diplomatic Mail and Pouch Branch uses devices that are sealed with a "crimping" instrument which impresses the words "Dept. of State U.S.A." on blank lead or plastic seals as the pouches are closed. Because these seals bear only those words and do not show the design of the Great Seal at all, they are outside the scope of this volume. The Branch does also use, however, a small seal in the form of a rubber stamp, with the legend "Department of State" encircling the national coat of arms, to authenticate a "Diplomatic Pouch Certification and Receipt" (Form DS–1053) required in connection with customs formalities. During 1976 the Branch dispatched 300 to 500 bags a day, six days a week, and material weighing more than seven million pounds was shipped under seal in that year.[23]

The Secretary's Signature With the Department Seal

Through the Department's early years the signature of the Secretary or Acting Secretary of State accompanied each impression of the Department seal. So far as known, this practice persisted through the period of service of Secretary of State Hamilton Fish, who retired March 12, 1877. Thereafter metal and later rubber stamps of the Secretary's signature were employed from time to time on passports, or a facsimile of the signature was engraved on the plate from which the passport was printed. In similar manner authentications gradually ceased to take the actual signature of the Secretary. At present a few types of papers that pass under the Department seal in the Authentication Branch are actually signed by the Secretary or Acting Secretary; but all authentications are now signed for the Secretary by an authorized officer. For decades prior to 1969 passports bore a printed facsimile of the Secretary's signature. On March 3 of that year, however, William P. Rogers became the first Secretary of State for whom passports were written in third-person format, thus eliminating the need for a signature of any kind.

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[23] Information supplied by Mr. John C. Whitridge, Chief, Diplomatic Mail and Pouch Branch, Diplomatic Courier and Pouch Division, June 14, 1977. The "crimping" instrument mentioned here is also called a Porter safety seal press. See *supra*, p. 470*n*.

Use of Facsimiles of the Department Seal

The Department uses reproductions or facsimiles of its seal in a wide range of sizes to indicate identification with or ownership by the Department. Perhaps the most usual use of such reproductions is on the title pages of books and pamphlets and on the covers of periodicals issued by the Department. The device is often stamped either in gold or in blank on the front covers and/or backstrips of cloth-bound publications of the Department, such as the series entitled *Foreign Relations of the United States*. Currently it is imprinted in colored ink on the Department's building passes. A reproduction of the device is sometimes used on door panels of automobiles owned by the Department. The emblem appears on identification tags for diplomatic pouches to certify that they contain only official communications and documents; on identification cards issued to senior officials of the United Nations and members of permanent missions to that organization who are accorded diplomatic privileges and immunities in the United States; on notices circulated within the Department; on a large number of forms issued and used by the Department; and on a variety of certificates and honor awards given to employees of the Department. And a large reproduction in color is displayed on or near the lectern when the Secretary speaks or holds a press conference.

Chapter XIX

THE TWO MOTTOES OF THE UNITED STATES

The first of the two mottoes of the United States, which dates from June 20, 1782, is *E Pluribus Unum*. The second, which dates from July 30, 1956, is "In God we trust". Their stories are the subject of this chapter.

E Pluribus Unum

As related in Chapter II, Pierre Eugène Du Simitière, consultant to the first committee on a device for a Great Seal, proposed a design that included the motto *E Pluribus Unum*. That motto formed part of the committee's report to Congress on August 20, 1776, and it carried over into the design Congress adopted on June 20, 1782. The device of the obverse then adopted naturally became the coat of arms of the United States (see Chapter XX), and the motto of the obverse became the motto of the United States. On the beginning of government under the Constitution, the act of Congress approved September 15, 1789,[1] which declared the seal of 1782 to be the seal of the United States, in effect made the device of the obverse the national coat of arms under the new regime and its motto the national motto.

In general, though with exceptions, the motto of a person, family, corporation, organization, political subdivision, or nation—usually inscribed on a scroll—forms part of the coat of arms to which it pertains. And conversely the motto so incorporated in the coat of arms is the motto of the person, family, corporation, or other entity represented by the arms. Thus, for example, *Fidem, libertatem, amicitiam retinebis*, which President John Quincy Adams adopted as his personal motto, forms part

[1] 1 Stat. 68.

of his armorial bearings.[2] The motto *Ich dien* forms part of the badge and coat of arms of the Prince of Wales.[3] The motto *Vinum exhilarat animum* forms part of the coat of arms of the Worshipful Company of Vintners of the City of London.[4] The motto *Excelsior* forms part of the coat of arms of the State of New York.[5] The national motto *A mari usque ad mare* forms part of the coat of arms of Canada.[6]

Each of the fifty States of the United States has a great seal, and each State has a motto. In the cases of nine States, the seal includes no motto. In the cases of forty-one States, however, the motto on the seal is the motto of the State. No State claims a motto that differs from the one on its seal.[7]

The motto *E Pluribus Unum* has appeared continuously since 1790 on the seals of the United States Supreme Court and the Department of State, and for a varying number of years on the seals of the President, the Vice President, the Senate, the States of Michigan and Wisconsin, and the Virgin Islands.[8] It is inscribed also on the flag of North Dakota. Implicit in such use is an understanding that the phrase is the motto of the United States.

On American coins the phrase was used as early as 1786 on the New Jersey *Immunis Columbia* cent;[9] and Totten pictures it on some other coins of the Continental Congress period.[10] It was first used by the United States Mint on coins of the late 1790's, and it is on coins of various issues from that time to the present.

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[2] Adams, "Seals and Book-Plates", pp. 142–144 and illustration facing p. 142.

[3] Scott-Giles, *Romance of Heraldry*, p. 75. *Debrett's Peerage*, p. 13. Franklyn and Tanner, *Encyclopaedic Dictionary of Heraldry*, frontispiece.

[4] Briggs, *Civic & Corporate Heraldry*, pp. 397–398.

[5] King, "Seals of Our Nation", p. 21.

[6] Von Volborth, *Manual of Heraldry*, p. 6.

[7] For the mottoes, see *World Almanac*, 1975, pp. 673–701. For pictures of the seals, see King, "Seals of Our Nation", pp. 17, 19, 21, 23, 26, 28; *Funk & Wagnalls New Standard Dictionary*, between pp. 2208 and 2209; *Encyclopædia Britannica* (1969), XXII, 709; *Webster's Third Dictionary*, plate II following p. 872.

[8] All these seals except that of the Vice President are pictured in King, "Seals of Our Nation", pp. 19, 26, 28, 30, 32. For those of the President, Vice President, Supreme Court, and Department of State at various dates, see illustrations 78–79, 81–90.

[9] Coffin, *Coin Collecting*, p. 93.

[10] *Seal of History*, I, 248–250.

An act of Congress approved February 12, 1873, required that *E Pluribus Unum* be placed on certain coins.[11]

Noah Webster inserted the phrase in his dictionary in 1841, stating that it was the motto of the United States; and until 1959 the successor Merriam-Webster dictionaries so characterized it. The G. & C. Merriam Company has written on the subject as follows:

> *E pluribus unum* first appeared as an entry in the so-called Royal Octavo edition of *An American Dictionary of the English Language*, a two-volume set issued in 1841, two years before Webster's death. It was in the last copyright printing of Webster's New International Dictionary, Second Edition (1959) but was dropped from Webster's Third New International Dictionary along with all the other double-barreled non-English entries of the Second Edition.
>
> The phrase was entered in the first six editions of our Collegiate dictionary with a note designating it as the motto of the United States. Webster's Seventh New Collegiate Dictionary (1963), however, gave a very different note: "—used on the seal of the U.S. and on several U.S. coins." . . .[12]

Thus for nearly 120 years a leading American reference book informed the American people that the motto of their nation was *E Pluribus Unum.*

A search of readily available reference books shows that the following—one of 1956 and the rest more recent—include the phrase *E Pluribus Unum* with the statement that it is the motto of the United States:

Funk & Wagnalls New Practical Standard Dictionary of the English Language (New York, 1956), volume I, page 446.

The American College Dictionary (New York, 1959), page 405.

Funk & Wagnalls New Standard Dictionary of the English Language Complete in One Volume (New York, 1963), page 840.

Henry C. Black, *Black's Law Dictionary*, revised fourth edition (St. Paul, 1968), page 597.

The American Heritage Dictionary of the English Language (Boston, 1969), page 441.

The Encyclopedia Americana, international edition (New York, 1971), volume IX, page 520.

Webster's New Collegiate Dictionary (Springfield, 1973), p. 1273.

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[11] 17 Stat. 427.

[12] Letter to the author, Mar. 13, 1975, from Mr. Frederick C. Mish, Senior Editor, G. & C. Merriam Company, Springfield, Mass.

Yet another work, *Webster's New World Dictionary of the American Language* (New York and Cleveland, 1970), page 472, calls the phrase "a motto of the U.S."

Of earlier date than the foregoing, Totten in his *Seal of History*, published in 1897, mentions the "national motto 'E Pluribus Unum' ".[13] Richardson, in the index to his *Compilation of the Messages and Papers of the Presidents*, issued as an official publication of the United States Government in 1896–1899 and reissued in various unofficial editions, lists *E Pluribus Unum* followed by the statement, "It is the motto of the United States".[14] Mrs. King, in her "Seals of Our Nation, States, and Territories", published in the *National Geographic Magazine* for July 1946, refers to *E Pluribus Unum* as "the national motto".[15] And Mitford M. Mathews, in *A Dictionary of Americanisms on Historical Principles* (Chicago, 1951), volume I, page 561, defines *E Pluribus Unum* as "The motto of the U.S."

In 1923 Professor Monroe E. Deutsch, of the University of California, published a learned article entitled "E Pluribus Unum".[16] In his first paragraph Deutsch identifies his title as "the motto of the United States". His second paragraph begins: "*E Pluribus Unum* was first used as an official motto of the United States when it was adopted as part of the Great Seal of our nation." His concluding sentence refers to "a group of three Latin words which became the national motto of this composite people, the United States of America".

In the winter of 1955 Deutsch published another article on the same subject, this one entitled "Our National Motto".[17] It ends with the statement, "the three Latin words . . . became the national motto of this composite people, the United States of America". Following the author's death, the *Bulletin de l'institut français de Washington* reprinted the article in its issue for December 1957.[18] Never in his lifetime, it seems, did the thought occur

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[13] I, 276.
[14] See, e.g., the edition of 1912, XI, 270.
[15] P. 37.
[16] *Classical Journal*, XVIII, 387–407.
[17] *Pacific Spectator*, IX, 120–125.
[18] Nouv. sér., num. 5 & 6, pp. 7–15.

to Professor Deutsch that the three-word phrase could be anything but the motto of the United States.

In official documentation, two congressional publications may be cited as making the same point. Referring to *E Pluribus Unum* as displayed on the seal of the United States Senate, Senate Report 48, 49th Congress, 1st session, of 1886, calls it "the national motto". Likewise, Senate Document 164, 82d Congress, 2d session, of 1953, entitled *History of the Senate Seals*, refers to that phrase as "the national motto".[19]

E Pluribus Unum was first proposed as the motto of the United States in August 1776, when the nation was but a few weeks old. It received at that time the recommendation of three of the greatest Americans of all time—Franklin, Adams, and Jefferson—who submitted it to Congress as part of their proposal for the Great Seal. Resubmitted in 1782 as part of the device that Congress then approved, its service as the national motto, displayed on the Great Seal and on the national coat of arms, dates from the sixth year of American independence. By its status as an element of the coat of arms, by custom relating to heraldic mottoes, and by use through the years both within the Government and among the people, the phrase has grown inextricably entwined in American tradition and heritage.

In God We Trust

The motto "In God we trust" originated in the Treasury Department during the Civil War. That department issued in 1956 a two-page paper entitled "History of the Motto 'In God We Trust' " which traced the origin of the motto. The paper stated that it appeared from Treasury Department records "that the first suggestion of the recognition of the Deity on the coins of the United States" had been contained in the following letter of November 13, 1861, from the Reverend M. R. Watkinson, of

[19] P. 15. Cf. the following statement under *e pluribus unum* in Thorndike and Barnhart, *Advanced Dictionary*, p. 342: "It was once the official motto of the United States, but since 1956 the official motto has been 'In God We Trust.' "

Ridleyville, Pennsylvania, to Secretary of the Treasury Salmon P. Chase:[20]

> You are about to submit your annual report to Congress respecting the affairs of the national finances.
>
> One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form in our coins.
>
> You are probably a Christian. What if our Republic were now shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the goddess of liberty we shall have next inside the 13 stars a ring inscribed with the words "perpetual union"; within this ring the allseeing eye, crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words "God, liberty, law."
>
> This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the Divine protection we have personally claimed. From my heart I have felt our national shame in disowning God as not the least of our present national disasters.
>
> To you first I address a subject that must be agitated.

Under date of November 20, 1861, Chase addressed the following letter, also quoted in the 1956 paper, to the Director of the Mint at Philadelphia:

> No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.
>
> You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.

The Treasury historical summary then continued:

> It was found that the act of January 18, 1837,[21] prescribed the mottoes and devices that should be placed upon the coins of the United States, so that nothing could be done without legislation.
>
> In December, 1863, the Director of the Mint submitted to the Secretary of the Treasury for approval designs for new 1, 2, and 3-cent pieces, on which it was proposed that one of the following mottoes should appear: "Our country; our God"; "God, our Trust."

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[20] For a biographical sketch of Chase, later Chief Justice of the U.S., see *Dict. Amer. Biog.*, IV, 27–34.

[21] 5 Stat. 136.

Chase replied on December 9, 1863:

> I approve your mottoes, only suggesting that on that [coin] with the Washington obverse the motto should begin with the word "our", so as to read: "Our God and our country." And on that with the shield, it should be changed so as to read: "In God we trust."

The Treasury paper concluded:

> An act was passed April 22, 1864,[22] changing the composition of the 1-cent piece and authorizing the coinage of the 2-cent piece, the devices of which were to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and it is upon the 2-cent bronze piece that the motto "In God we trust" first appears.
>
> The act of March 3, 1865, provided that in addition to the legend and devices on the gold and silver coins of the United States, it should be lawful for the Director of the Mint, with the approval of the Secretary of the Treasury, to place the motto "In God we trust" on such coins as shall admit of the inscription thereon.[23] Under this act the motto was placed upon the double eagle, eagle, and half eagle, and also upon the dollar, half and quarter dollars in 1866.
>
> The coinage act of February 12, 1873, provided that the Secretary of the Treasury may cause the motto "In God we trust" to be inscribed on such coins as shall admit of such motto.[24]
>
> When the double eagle and eagle of new design appeared in 1907, it was soon discovered that the religious motto had been omitted.[25] In response to a general demand, Congress ordered it restored, and the act of May 18, 1908,[26] made mandatory its appearance upon all coins upon which it had heretofore appeared. The motto appears on all gold and silver coins struck since July 1, 1908, with the exception of certain dimes. It was not mandatory upon the cent and five-cent coins but could be placed thereon by the Secretary of the Treasury, or the Director of the Mint with the Secretary's approval. The act approved July 11, 1955,[27] makes

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[22] 13 Stat. 54.

[23] 13 Stat. 518.

[24] 17 Stat. 427.

[25] President Theodore Roosevelt received a number of protests about the omission. In a reply to one of them, made public at the time, he wrote that the law did not require the motto and stated his own "very firm conviction that to put such a motto on coins . . . not only does no good, but does positive harm, and is in effect irreverence, which comes dangerously close to sacrilege". The motto, he wrote, "should be treated and uttered only with that fine reverence which necessarily implies a certain exaltation of spirit", and he felt that it was cheapened by use on the coinage. *New York Times*, Nov. 14, 1907, p. 1.

[26] 35 Stat. 164.

[27] 69 Stat. 290.

appearance of the motto "In God we trust" mandatory upon all coins of the United States.[28]

Accordingly, by 1955 the motto "In God we trust" had been in use on some United States coins for more than ninety years. In that year a constituent asked Representative Charles E. Bennett,[29] of Florida, why that motto did not appear on all United States money, both coins and currency.[30] After looking into the matter, Bennett introduced a bill requiring that all future issues of coins and currency bear the motto, and his bill received the unanimous approval of the House Committee on Banking and Currency and of the House of Representatives. In the Senate on June 27, 1955, that body's committee of the same name reported the bill favorably. The report included a "general statement", part of which follows:

> This bill would require that all currency and coins of the United States bear the inscription "In God We Trust." At the present time, this inscription appears on all coins, but is required by law only upon those denominations of silver coins on which it was inscribed prior to May 18, 1908 (31 U.S.C. 324). There is no comparable statutory requirement in regard to currency.
>
> Currency has been issued by the United States Government since 1861. Thus, for almost a century, there has been no inscription on our currency reflecting the spiritual basis of our way of life. One reason that this situation has not been remedied heretofore has been the prohibitive cost involved in the necessary redesigning of the dies used in printing currency. However, the Bureau of Engraving and Printing is now planning technological improvements in its printing equipment which will require the preparation of new dies. Therefore, the inscription "In God We Trust" can be incorporated in the new dies with very little additional cost. Your committee believes that this changeover in equipment presents an excellent opportunity to correct an oversight that has existed for so many years.
>
> With respect to coins, it should be noted that the motto "In God We Trust" first appeared on coins of the United States in 1864. The present law requires that the inscription be placed only on denominations of silver coins on which it was inscribed prior to May 18, 1908. H.R. 619

[28] The original correspondence quoted in the Treasury paper of 1956 is in the records of the Bureau of the Mint, R.G. 104, N.A.

[29] For a biographical sketch, see *Biog. Direc. Amer. Cong.*, p. 581.

[30] Smith, "What You Don't Know About Money", p. 81.

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would simply make mandatory the existing practice of placing the motto on all of our coins.[31]

The bill duly passed the Senate and became law with the President's approval on July 11, 1955.[32]

In the course of his studies leading up to the drafting of this act, Bennett concluded that the United States had no official national motto. Accordingly, in 1956 he introduced a joint resolution designed to correct the supposed deficiency. It was referred to the House Committee on the Judiciary, which reported it favorably on March 28, 1956. The report included the following statement:

> This joint resolution establishes "In God We Trust" as the national motto of the United States. At present the United States has no national motto. It is most appropriate that "In God We Trust" be so designated.
>
> The phrase "In God We Trust" has received official recognition for many years. It was authorized to be placed on certain coins by the act of March 3, 1865 (13 Stat. 518). Further permissive authorization for inscribing "In God We Trust" on coins was given in the Coinage Act of February 12, 1873 (17 Stat. 427). The first mandatory requirement for the use of this motto on certain coins was in the act of May 18, 1908 (35 Stat. 164). Last year Public Law 140 was enacted making the use of "In God We Trust" mandatory on all currency and coins of the United States.
>
> Further official recognition of this motto was given by the adoption of the Star-Spangled Banner as our national anthem. One stanza of our national anthem is as follows:
>
> "O, thus be it ever when freemen shall stand
> Between their lov'd home and the war's desolation!
> Blest with vict'ry and peace may the heav'n rescued land
> Praise the power that hath made and preserved us a nation!
> Then conquer we must when our cause it is just,
> And this be our motto—'In God is our trust.'
> And the Star-Spangled Banner in triumph shall wave
> O'er the land of the free and the home of the brave."
>
> In view of these words in our national anthem, it is clear that "In God We Trust" has a strong claim as our national motto.
>
> It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English. The Judiciary Committee of the House

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[31] S. Rept. 637, 84th Cong., 1st sess., pp. 1–2.
[32] 69 Stat. 290. 31 U.S. Code 324a.

> of Representatives recognizes that the phrase "E pluribus unum" has also received wide usage in the United States. However, the committee considers "In God We Trust" a superior and more acceptable motto for the United States. Accordingly, House Joint Resolution 396 is favorably reported without amendment.[33]

Bennett's joint resolution passed the House on April 16 and the Senate on July 23 and became law with the President's approval on July 30, 1956, in these words:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the national motto of the United States is hereby declared to be "In God we trust." [34]

The House Judiciary Committee had recognized that the phrase *E Pluribus Unum* had also "received wide usage in the United States", and the joint resolution did not repeal or prohibit its use as a national motto.

As for the more recent motto, it has been suggested that the United States Supreme Court cast doubt on its constitutionality when on June 25, 1962, it decided the famous New York State Board of Regents prayer case, otherwise known as *Engel et al.* v. *Vitale et al.*[35] Briefly, the Court then held that a local school board in New York State, in permitting a brief nondenominational prayer in its schools, violated the Constitution of the United States. In a dissenting opinion, Justice Potter Stewart [36] then observed, "The court today says that the state and federal governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion." Justice Stewart went on to observe that under the Court's decision the motto "In God we trust" would presumably be deemed unconstitutional,[37] but the Court did not in fact make such a finding.

In 1963 the Department of State took the following position on the relationship between the two mottoes:

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[33] H. Rept. 1959, 84th Cong., 2d sess., pp. 1–2.

[34] *Cong. Record*, CII, 5792, 6359, 6451, 13718, 13917, 14382, 14587, 14904, 15302. 70 Stat. 732. 36 U.S. Code 186.

[35] 370 U.S. Reports 421–450.

[36] For biographical sketches, see *Who's Who in America*, 38th ed., II, 2965; *Current Biography Yearbook*, 1959, pp. 429–431.

[37] 370 U.S. Reports 449.

> . . . "In God we trust" is *the* motto of the United States. It seems to the Department, nevertheless, that there is ample basis both in history and in law for calling "E Pluribus Unum" *a* motto of the United States.[38]

Meanwhile the Congress had given its own answer to this question. In 1961 two identical bronze plaques were placed in the New Senate Office Building and the Longworth House Office Building. On each plaque the words "In God we trust" were inscribed in large capital letters, while the lower part of the plaque was occupied by a stylized device roughly resembling that of the Great Seal, with an encircling legend placed within concentric circles, a star on each side dividing the two parts of the legend. The upper section of the legend read "United States of America". The lower part of the legend read *E Pluribus Unum*.[39]

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[38] Letter signed by Richardson Dougall, Acting Director, Historical Office, Feb. 18, 1963, copy in the files of the Office of the Historian, D.S. The letter had been approved by the Office of the Legal Adviser.

[39] The plaque in the New Senate Office Building is illustrated in H. Doc. 362, 88th Cong., 2d sess., p. 344.

Chapter XX

QUESTIONS AND ANSWERS

Various details relating to the history and use of the Great Seal fail to fit into an orderly and coherent narrative. Some of these details have been the subject of queries which writers on the seal—such as Totten and Cigrand—have posed in their works. Others answer questions that members of the public have addressed to the Department of State in letters or have asked in public gatherings where the Great Seal has been discussed. A few have arisen in the mind of the author as he has worked on the subject. These odds and ends of information are assembled here, in this final chapter, in the form of questions and answers.

Should the Reverse of the Great Seal Be Cut?

The question is often asked, Why doesn't the Department of State use the reverse of the Great Seal? Although the design for the reverse has existed as long as that for the obverse, it has never been cut as a seal die [1] and accordingly has never been employed as a seal.[2]

One must approach the answer in two stages.

To begin with, each of the three seal committees included in its report, seemingly as a matter of course, a proposal of a design for a reverse; and Thomson's final design likewise provided for one. Both the term "reverse" and the existence of a design for a reverse imply that such design is to be used on the back side of a pendant seal. In 1782, when Congress adopted the Great Seal design, pendant seals were still in general use among nations.

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[1] See Chapter XII, pp. 278–279.

[2] Concerning continued pressure on the Dept. of State, in the early part of the twentieth century, to have a die of the reverse cut, see file 811.0158/orig., *ibid.*/43 ff., D.S., R.G. 59, entry 196, N.A.

A pendant seal is a seal in the form (usually) of a disk of wax or similar substance that attaches to the document by ribbons or cords. The disk, like a coin, has two flat surfaces, which afford areas for two designs—the obverse and the reverse. The Great Seal of the United States was affixed as a pendant seal on numerous occasions between 1815 and 1871; but these pendant seals bore the device of the obverse only. Since no explanation survives, one must guess at the reasons. First was the expense of cutting a die, and second was the considerable labor and cost of affixing the impression to the pendant wax and duly protecting it from damage. The United States, and other governments as well, have long since abandoned the use of pendant seals, largely for these very reasons.

If, then, a pendant seal is not to be used, how would a die of the reverse be employed? In answer to a recent approach made (on behalf of a constituent) by Senator Charles McC. Mathias, Jr.,[3] of Maryland, the Department of State stated:

> The Department of State has no objection in principle to having a die cut of the reverse of the Seal. There are, however, certain practical difficulties in the way of its use. . . .[4]

There would seem to be two ways, aside from the pendant seal, in which a die of the reverse could be put to actual use: (1) affixing the reverse alone (in lieu of the obverse) to certain types of documents,[5] and (2) affixing both obverse and reverse, one above the other [6] or side by side,[7] to the same document.

The first of these methods would be physically practical, but, after almost two centuries of usage in which the obverse has

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[3] For a biographical sketch, see *Who's Who in America*, 38th ed., II, 2022.

[4] Letter from David M. Abshire, Assistant Secretary of State for Congressional Relations, to Mathias, Aug. 2, 1972, POL 15-6 US, Central Files, D.S. Substantially the same statement was made more recently in a letter from Kempton B. Jenkins, Acting Assistant Secretary of State for Congressional Relations, to Senator J. Glenn Beall, Jr., of Md., Oct. 13, 1976, P 760161–1385, Central Files, D.S.

[5] Mathias' constituent, Mr. Robert Hieronimus, of Baltimore, had suggested that the reverse, alone, be used specifically on official documents "pertaining to cultural regeneration in America". Cf. Hieronimus, *Two Great Seals*, p. 32.

[6] Charles A. L. Totten suggested this arrangement, rather like a figure *8*. See Chapter XII, p. 236.

[7] Rather like the mathematical symbol for infinity.

been impressed alone, would an impression of the reverse by itself carry the same weight in authenticating documents?

There is a serious practical difficulty involved in the second method. That difficulty is space. If two dies, each 3 inches in diameter, were to be impressed on two separate wafers, they would require a great deal of space on the document being sealed. And if both were to be impressed on a single wafer (assuming continued use of the current obverse die and the cutting of a reverse of the same size), that wafer, including its scalloped border, would need to be about 6½ inches in diameter. If, on the other hand, two small dies were engraved so that they could both be impressed on a single wafer of the size currently in use, each die would have to be less than 1½ inches in diameter, with a serious loss in clarity and detail for each.

Did a Danish Artist Create the Eagle of the Great Seal?

Great Seal mythology has recently been enriched by the completely unfounded tale that Christian Gullager, a Danish painter who emigrated to America in the 1780's, created the eagle used on the Great Seal. The story seems to have its origin in a letter of March 5, 1832, which Gullager's son Charles wrote to his brother Henry in New York. This letter contained the following passage about their father:

> His representation of the American Eagle was so spirited and beautiful that he was characterized among painters as the "Father of the Eagle"—

after which Charles gave a description of one of his father's paintings, apparently a representation of the United States coat of arms—but no suggestion that Christian Gullager had designed it.[8] The "Father of the Eagle" story was repeated in a publication of 1908,[9] and was embroidered in later materials published in Denmark so that it appeared that Gullager had contributed the eagle to the design of the Great Seal.[10]

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[8] The letter is quoted in Sadik, *Christian Gullager*, p. 27.

[9] Vig, "Christian Gullager", p. 98.

[10] Memorandum of conversation with Mr. Carlo Christensen, Cultural Attaché, Danish Embassy, Washington, Mar. 26, 1957, in the author's files.

In 1949 this myth crossed the Atlantic, and *Blue Book Magazine* published a remarkably inaccurate article—at variance with all the known facts of Great Seal history and chronology—which stated that Gullager, after he had painted Washington (which was in 1789), created a drawing of the eagle, and that then a committee of Congress, of which Franklin was a member, accepted it as the official symbol of the United States. The story ends that Gullager was paid $100 for this work.[11]

Unfortunately this tale, in more or less detail, continues to spread.[12]

What are the facts? Gullager is known to have been in Denmark in 1782, where he painted a dated portrait, and no trace has been found of him in the United States before 1786, when he was married in Massachusetts. By the early 1790's he had become a well known painter in that State. He is known to have been in New York in 1790, and he turned up later in that decade in Philadelphia, where in 1798 he signed a receipt for $40 for painting a standard for Captain Dunlap's troop—a handsome eagle standard for the First Troop Philadelphia City Cavalry which still survives and which has a central device based upon the design of the Great Seal, but having no resemblance in style to the seal die of 1782. Still in Philadelphia, Gullager probably painted the eagle on the ceiling cove of the Senate Chamber in Congress Hall, perhaps about 1800, and that painting may have been the one described by his son Charles in the letter mentioned above.[13]

There is no evidence whatever linking Gullager to the designing of the Great Seal.

Did the Washington Coat of Arms Influence the Great Seal Design?

Since Charles Thomson's "Remarks and Explanation" of the device adopted for the Great Seal in 1782 stated specifically

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[11] Heinberg and Melchior, "Father of the Eagle", pp. 50–51.

[12] "The Eagle and the Flag", pp. 24–25. Hvidt, "America Fever Strikes Denmark", p. 23.

[13] Sadik, *Christian Gullager*, pp. 13, 15–24, 27–30. The First Troop standard is illustrated *ibid.*, p. 29, and in a color reproduction on the back cover. The Congress Hall painting is illustrated *ibid.*, p. 28.

that the colors of the vertical stripes or pales in the seal design were those used in the flag of the United States,[14] the question put in the heading of this section might better be stated, perhaps, "Did the Washington Family Coat of Arms Influence the Design of the Flag of the United States?"

So far as official documentation is concerned, the strongest suggestion that the answer is affirmative was made in a speech by Winthrop W. Aldrich,[15] American Ambassador to Great Britain, at ceremonies marking the restoration of Washington Old Hall, in County Durham, on September 28, 1955. Aldrich's address contained the following passage:

> The mark of the Washingtons survives in another striking way which is little known even in America. The family coat of arms is impressed on a leaden seal attached to a deed of sale dated 1376; which may be seen today in the library of Durham Cathedral. The Washington arms were carved on nearby Hylton Castle as early as 1250 when a member of the family married a Hylton. The carving is still there, showing a shield with three stars and two stripes, surmounted by an eagle with lifted wings. Who can resist the conjecture that here at Washington Old Hall is the true origin of the "Stars and Stripes" and the Great Seal of the United States Government?
>
> Perhaps it is only coincidence that the family home of Martha Washington in Virginia was known as the "White House" . . . but it is surely more than coincidence that the Washington arms combined the stars and stripes and the eagle, two and a half centuries before America was even discovered and five centuries before it became a Nation.[16]

This conjecture, of course, was not original with Aldrich. The same suggestion had appeared in print on both sides of the Atlantic during the nineteenth century, and it was familiar to the foremost historian of the flag at the end of the century, who did not subscribe to it.[17] It is true that Washington's coat of arms had two red horizontal stripes or bars on a white or silver field, but it had no blue on it anywhere, and the stars to which Aldrich referred were in fact five-pointed mullets or spurs, whereas

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[14] See Chapter VI, p. 85.

[15] For a biographical sketch, see *Who Was Who in America*, VI, 4–5.

[16] Despatch No. 733 from the American Embassy at London, Oct. 3, 1955. File 123 Aldrich, Winthrop/10–355, Central Files, D.S.

[17] Preble, *History of the Flag of the U.S.*, pp. 260–262. Cf. Tuffley, *Origin of the Stars and Stripes*, pp. 6–7.

the stars in the original die of the Great Seal were (and were intended to be) six-pointed, as were the stars in many early flags.

As to the eagle, standard works on heraldry give two different crests for the Washington family in England: one contains a black eagle with wings raised and folded together above its back; the other, a black raven in the same position. But Sir Isaac Heard, Garter King of Arms, writing to President Washington in 1791, sent a small painting of the Washington arms which appears to have the raven in the crest, and the President's own bookplate has the same bird—certainly not an eagle. Although the family crest as engraved on some of the Mount Vernon silver seems to have an eagle,[18] the position of the bird in the Washington crest is nothing like that of the eagle of the Great Seal, and that crest is a far less likely source for the seal design than Camerarius' emblem book discussed in Chapter VI.

Finally, there is the question whether it would have fitted the mood of the emerging nation and Washington's character to use his family coat of arms as a model for the flag. On this subject, a recent history of the flag has stated that "such adulation . . . does not tally with what is known of the mood of the Revolutionary period" and that such a "compliment" would probably have been protested.[19]

Aldrich's conjecture is that and no more.

Did a Military Flag Influence the Great Seal Design?

There seems to be a growing tendency both among historians of the American flag and among writers on the meaning of the Great Seal to see an antecedent for the Great Seal device in a

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[18] Concerning the Washington crest, see Burke, *General Armory*, p. 1080; *Fairbairn's Crests*, p. 494; Robson, *British Herald*, vol. II, under Washington; Buhler, *Mount Vernon Silver*, *passim*. Washington's bookplate is illustrated in Zieber, *Heraldry in America*, 2d ed., figure 918, facing p. 322. Heard's letter, dated Dec. 7, 1791, and the enclosed painting are in series 4, George Washington Papers, Ms. Div., L.C. (Concerning Heard, see Chapter IV, p. 50.) The U.S. George Washington Bicentennial Commission, in an official publication of 1932, gave the following blazon of the Washington arms: "Argent, two bars gules, in chief three mullets of the second; crest, a raven proper, wings endorsed, issuing out of a ducal coronet or." *History of the George Washington Bicentennial Celebration*, literature series, III, 678.

[19] Mastai and Mastai, *Stars and the Stripes*, p. 37.

flag which they identify as that of Washington's bodyguard, known as the Washington Life Guard. That flag includes (although not in a central position) a shield with a blue chief and vertical red and white stripes, supported on one side by a symbolic female figure and on the other by a grounded eagle. A book on the flag illustrates this standard with a caption calling it the flag of "Washington's Life Guard, 1776"; [20] a book on the seal alludes to an "oft-suggested" statement that the eagle "first appeared on the flag of Washington's Lifeguard"; [21] and a handsome realization of the flag, apparently attributing it to the year 1777, is exhibited in a corridor in the offices of the Institute of Heraldry, United States Army.

If the Washington Life Guard flag were indeed that and if it antedated the adoption of the Great Seal device, it would have to be given serious attention as a source of inspiration for Charles Thomson's seal design of 1782 (illustration 14). But the flag in question has been both misidentified and misdated.[22]

The only known surviving example of this very interesting flag is in the George Washington Historical Museum at Alexandria, Virginia, and it was presented by Eleanor Parke Custis, Martha Washington's granddaughter, to the Alexandria Independent Dragoons late in 1798. The standard presented to the Dragoons was described in detail at the time by the local newspaper, and the description printed there fits the surviving flag in every detail except that it omits mention of the motto, "Conquer or Die", which appears on a scroll at the top.[23] The newspaper description is as follows:

> Independence personified, is represented leaning on the American arms, and presenting to an officer of dragoons, (who appears to be just

[20] Mastai and Mastai, *Stars and the Stripes*, p. 17.

[21] Hieronimus, *Two Great Seals*, p. 19. See also illustration 27, *ibid.*, facing p. 11.

[22] The coauthor is grateful to Dr. Harold D. Langley, Associate Curator, Division of Naval History, Smithsonian Institution, Washington, for his help in the research on this section which led to this conclusion.

[23] Miss Custis requested this motto when writing on July 26, 1798, to Secretary of War James McHenry, asking him to have the flag made in Philadelphia. Letter to the coauthor, Dec. 20, 1976, from Dr. Langley. The original flag is displayed in Alexandria with the following caption: "Flag Borne by General George Washington's Lifeguard Unit. Captain Calib Gibbs of Rhode Island was its first commander." On the shield the vertical white stripes or pales are much discolored, as if painted in silver which has tarnished.

> dismounted, and holding a charger by the reins) a standard bearing a number of stars *in a circle* indicative of the UNITED STATES. The figure of Independence seems already crowned with conquest, & a *flame* issuing from her head, appears emblematical of the *patriotic fire* which now rages in America—Close to the arms on which the Goddess leans, is her favorite bird, who, *reluctantly* has thrown away the *Olive*, and grasps nothing but the ARROWS.[24]

The final part of this quotation was presumably an allusion to the undeclared war with France.

Some of the correspondence about the ordering of this standard by Miss Custis has survived, and it too is dated 1798,[25] which date would also fit the type of uniform worn by the dragoon.

It will be noted that the description quoted above refers to the shield as "the American arms", which proves conclusively that this flag copied the design of the Great Seal, not vice versa. As an officer of the Smithsonian Institution has concluded,

> . . . this is not a flag that dates from the Revolutionary War. It was made fifteen years after the end of that war.[26]

There are also various paintings which supposedly depict events during the Revolutionary War in which the artists have shown the coat of arms of the United States, or variations of it, on military standards.[27] The existence of any such standard before June 1782, however, has not been documented, and all these paintings were apparently completed some time after the events they purported to show. The appearance of such standards in scenes of the Revolutionary War are an anachronism and cannot be taken as evidence that such standards antedated the Great Seal.

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[24] *Columbian Mirror and Alexandria Gazette* (Alexandria, Va.), Dec. 8, 1798, p. 3, cols. 1–2. A letter from Miss Custis presenting the flag and a reply of Dec. 6, 1798, from Capt. John Fitzgerald, accepting it, are printed *ibid.* With regard to the female figures which were used in the late eighteenth century to represent America, liberty, independence, etc., see Fleming, "The American Image"; Fleming "From Indian Princess to Greek Goddess".

[25] See two letters from McHenry to Miss Custis, Sept. 12 and Oct. 2, 1798, in the McHenry Papers, William L. Clements Library, University of Michigan, Ann Arbor.

[26] Letter to the coauthor, Dec. 20, 1976, from Dr. Langley.

[27] See, e.g., James Peale's painting of Horatio Gates at Saratoga, illustrated in color on the cover of the Mar. 1975 issue of *Antiques*. Among the earliest surviving standards reflecting the influence of the national coat of arms are the "Schuyler flag" (*circa* 1784), illustrated in Cooper, *Thirteen-Star Flags*, p. 6, and the standard (*circa* 1791) of the 1st Infantry Regiment, illustrated in color as the frontispiece in Isaacson, *American Eagle*.

Did Massachusetts Coinage Influence the Great Seal Design?

In an official publication of 1909, in a list of possible influences upon the Great Seal design, it was stated that "in the Massachusetts copper penny of 1776 are thirteen stars, surrounding an *eagle*". And such a coin has been illustrated in books on the seal.[28]

The standard histories of United States coins, however, do not list such a coin, and it is unknown to the American Numismatic Society and the Division of Numismatics at the Smithsonian Institution.[29] The Massachusetts 1776 penny with an eagle and stars—and consequently its influence upon the design of the Great Seal—appears to be a complete fiction.

Did Freemasonry Influence the Great Seal Design?

The question arises from time to time, What influence, if any, did Freemasonry have on the design of the Great Seal?

Because membership records for the Revolutionary period are scattered and imperfect, it is not possible to ascertain with certainty which persons among the fourteen who participated in the designing of the Great Seal were Masons and which were not. Conrad Hahn, Executive Secretary of the Masonic Service Association of the United States, Silver Spring, Maryland, who has checked into the matter, has furnished the following information:

1. Definitely a Mason: Benjamin Franklin.
2. Definitely not Masons: John Adams and Charles Thomson.
3. No firm evidence of a Masonic connection, although allegations of such a connection have been noted: Thomas Jefferson, James Lovell, Francis Hopkinson, Arthur Middleton, and John Rutledge.

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[28] Hunt, *History of the Seal*, p. 43. Hieronimus, *Two Great Seals*, illustration 20, facing p. 10. Hieronimus' source was Totten, *Seal of History*, I, 246, and it seems likely that Totten was Hunt's source also. Letter to the coauthor, Aug. 8, 1977, from Mr. Robert Hieronimus, of Baltimore.

[29] Letter to the coauthor, May 31, 1977, from Mr. Richard G. Doty, Associate Curator of Modern Coins, American Numismatic Society, New York. Letter from Dr. V. Clain-Stefanelli, Curator, Division of Numismatics, Smithsonian Institution, to Fredrick Aandahl, Associate Historian, Dept. of State, May 26, 1977, in the files of the Office of the Historian, D.S.

4. No record at all, so presumably not Masons: Pierre Eugène Du Simitière, John Morin Scott, William Churchill Houston, Arthur Lee, Elias Boudinot, and William Barton (although he has at times been confused with another William Barton who was a Mason).[30]

Although George Washington was a Mason, he played no role in designing the Great Seal. And although Franklin, a Mason, was a member of the first seal committee, his proposal [31] had no influence on the final designs for the seal, and he was in France when those designs were drawn up. The only individual listed above who contributed something definite to the final seal design who has been *said* to be a Mason (although with no firm evidence) is Francis Hopkinson, whose pyramid design for the Continental currency's $50 bill (illustration 11) clearly influenced the final reverse of the Great Seal.

The pyramid, the eye above it, and the radiant triangle enclosing the eye have often been considered to be of Masonic origin. Writers who are Masons have also seen Masonic symbolism in the eagle, in the number of feathers on the eagle's wings, in the number of the eagle's tail feathers, in the ground cover near the pyramid (which some of them assume—without known authority—to be acacia), in the number of words in the mottoes, in the number of points of the stars and in the pattern of the entire constellation, the colors specified in the blazon, the glories on each face of the seal, and in possible combinations of numbers, considered cabalistically or "by gematria".[32] It should perhaps

[30] Regarding assertions that William Churchill Houston and William Barton were Masons, Mr. Hahn writes as follows (letter to the author, Dec. 20, 1974):

> For William Churchill Houston I know of no record anywhere of his possible connection with Freemasonry. He may have been confused with a William Houston in North Carolina, a captain during the Revolution, or a William Houstoun (sometimes spelled Houston), a delegate to the Constitutional Convention from Georgia, who was a member of a Masonic Lodge in Savannah. Quite a few "patriots" have been claimed as Masons on such a tenuous similarity of names.
>
> The William Barton for whom there is evidence of Masonic membership was a Rhode Islander, born May 26, 1748, at Warren, died October 22, 1831, in Providence. He became famous as the Revolutionary soldier who planned and with a small body of troops carried out the capture of a British general at Newport in 1777. He became a member of St. John's Lodge in Providence in 1779.

For a biographical sketch of this last William Barton, see *Dict. Amer. Biog.*, II, 24–25.

[31] See Chapter II, p. 14.

[32] See, e.g., Carter, *Masonry in Texas*, pp. 152–154; Anderson, *Masonic Symbolism Associated With the Development of the Great Seal*, pp. 9–11.

be noted that some of the details studied and interpreted by these writers are those of comparatively recent realizations of the Great Seal blazon—details which are not stated in the blazon itself and are not to be found in the Great Seal die of 1782.

Without questioning the fact that elements of the Great Seal design are also to be found as Masonic symbols, one may question whether the designers of the seal intended the seal blazon to be given a specifically Masonic interpretation. Since there is no evidence that either Charles Thomson or the Philadelphia William Barton was a Mason, and as they were the two individuals responsible for the final design, the presumption would be that they did not intend their work to be given a Masonic interpretation. And even if Francis Hopkinson intended his pyramid as a Masonic symbol (which is by no means certain), his design was filtered through the non-Masonic eyes and pens of Barton and Thomson. The eye apparently originated with Du Simitière,[33] for whom no connection with Freemasonry has been found.

Were there sources other than Freemasonry from which symbols such as the all-seeing eye and the unfinished pyramid could have been taken? The answer is yes. Use of the eye in art forms, including medallic art, as a symbol for an omniscient and ubiquitous Deity was a well established artistic convention quite apart from Masonic symbolism,[34] and Du Simitière, an artist, would have been aware of this. As to the pyramid, there was widespread interest in Egypt and things Egyptian in the eighteenth century, and in the Library Company of Philadelphia there was a detailed work entitled "Pyramidographia" [35] which would have been available to both Hopkinson and Barton. This work included [36] a drawing of the "First Pyramid", which was stepped, did not come to a complete point, and had an entrance in the center on the ground level—a detail found also in Hopkinson's design (see illustration 11).

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[33] See Chapter II, p. 19.

[34] See, e.g., Pollard, *Renaissance Medals*, p. 16; Wind, *Pagan Mysteries in the Renaissance*, pp. 231–235 and figure 84 (an illustration from Horapollo's *Hieroglyphica* showing an eye to depict God).

[35] This is the first part, originally published in 1736, in vol. I of *Miscellaneous Works of Mr. John Greaves* (1739).

[36] Facing p. 91.

While these points are not conclusive, it seems likely that the designers of the Great Seal and the Masons took their symbols from parallel sources, and unlikely that the seal designers consciously copied Masonic symbols with the intention of incorporating Masonic symbolism into the national coat of arms.

Did John Quincy Adams Substitute a Design of His Own for the Great Seal Device?

Bernard J. Cigrand, later author of *Story of the Great Seal*, asked the Department of State in 1890, in the context of questions about the Great Seal, if Secretary of State John Quincy Adams had used a new seal of his own device. He received the reply that "the matter in question is not of official record".[37] It is now possible to answer Cigrand's query in detail.

It is certain that Adams, who was Secretary of State from September 1817 to March 1825 and President for four years thereafter, made no changes in the Great Seal, and the original die of 1782 was used throughout his years in authority. A new treaty-seal die was cut in 1825, as related in Chapter VIII, but there is no evidence that Adams had anything to do with its design.

Adams, however, did use a personal seal—as other Secretaries of State have done[38]—in connection with his official duties.

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[37] See Chapter XII, p. 283.

[38] William H. Seward, for example, sealed the treaty for the purchase of Alaska in 1867 with a crested seal charged with two chevrons separated by a bar. Treaty Series No. 301, R.G. 11, N.A. The coauthor in 1942 examined the seal with the roman letters *CH* which Secretary of State Cordell Hull had just used in a signing ceremony. The most recent Secretary to have a personal seal made for such use is William P. Rogers, who had a facsimile of his written initials engraved in the seal. Information supplied by Mr. William Michael McQuade, Office of the Legal Adviser, Dept. of State, Mar. 21, 1977. See also Chapter XVIII, p. 500.

The current regulations of the Dept. of State (11 *Foreign Affairs Manual* 733) permit but do not require the use of seals in connection with the signing of treaties and agreements. They also provide:

> . . . The representative's personal seal, if available, is used when seals accompany the signatures, except that if the other government concerned prefers official seals, the seal of the mission [or the Department] may be used.
>
> (NOTE.—A personal seal may consist of a signet ring with initial(s) or family crest, written initials, etc.)

His father, John Adams, had used a seal bearing the family arms of the latter's mother, Susanna Boylston,[39] in signing the Treaty of Paris [40] in 1783, and John Quincy Adams had used this same Boylston seal as a "seal-at-arms" during his diplomatic service in Europe.[41] But in 1816 he had a new seal cut in London.[42] Writing in his diary later, under the date January 26, 1819, he explained his reasons as follows:

> . . . as there is no heraldry in the United States, seals-at-arms are an absurdity, used by a public officer of this country. I have used a seal-at-arms in Europe, as my father had done before me. But so far as there is any significancy in such seals, they are utterly inconsistent with our republican institutions. Arms are emblematical hereditary titles of honor, conferred by monarchs as badges of nobility or of gentility, and are incompatible with that equality which is the fundamental principle of our Government. I have, therefore, determined never more to use my seal-at-arms (which are not the Adams, but the Boylston arms) to any public instrument. I have substituted in their stead the seal of my own device—the constellation of Eagle and Lyra, with the motto from Manilius (described in diary for 7th September, 1816). . . .[43]

The 1816 diary entry referred to explains the device Adams had chosen in the following terms:

> 7th. In the Grecian mythology Orpheus is said to have charmed lions and tigers, the most ferocious wild beasts, and to have drawn after him the very trees of the forest and the rocks of the desert, by the harmony of his lyre. . . . Orpheus was a legislator, whose eloquence charmed the rude and savage men of his age to associate together in the state of civil society, to submit to the salutary restraints of law, and to unite together in the worship of their Creator. . . . It was only in harmony that the first human political institutions could be founded. After the death of Orpheus, his lyre was placed among the constellations, and there, according to . . . Manilius, still possesses its original charm . . . It is the application of this fable, and of this passage of Manilius, to the United States, the American political constellation, that forms the device of the seal. . . .[44]

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[39] Adams, "Seals and Book-Plates", plate facing p. 135.
[40] Miller, ed., *Treaties*, II, 151–156.
[41] Adams, *Memoirs*, IV, 233.
[42] Adams, "Seals and Book-Plates", p. 145 and plate facing p. 135. Oliver, *Portraits of John Quincy Adams and His Wife*, p. 16, identifies the engraver of this seal as R. W. Silvester. Concerning the disappearance of the seal itself, see *ibid.*, p. 11*n*.
[43] Adams, *Memoirs*, IV, 233.
[44] *Ibid.*, III, 441.

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Adams then quoted a passage from Manilius [45] which included the seal's motto, *Nunc sidera ducit*, and a rhymed translation of the passage in which the motto was rendered as "Now, of the starry orbs it leads the course".[46] His explanation then continued:

> The modern astronomers have connected a vulture with the constellation of the Lyre, and it is marked upon the charts of Bode's Uranographie[47] by the name of "Vultur et Lyra." Instead of that bird, by a slight poetical license, I have assumed the American eagle as the bearer of the lyre. The thirteen original stars form a border round the seal. The stars marked upon the lyre, and upon the wings of the eagle, are placed in the relative positions as they may be seen by the naked eye in the constellation of Lyra. . . . The moral application of the emblem is, that the same power of harmony which originally produced the institutions of civil government to regulate the association of individual men, now presides in the federal association of the American States; that harmony is the soul of their combination; that their force consists in their union, and that while thus united it will be their destiny to revolve in harmony with the whole world, by the attractive influence of their union. . . . The lesson of the emblem is UNION.[48]

Adams first used his new seal on an official document [49] on December 21, 1818, in connection with the exchange of ratifications on that day of a treaty with Spain that had been signed more than sixteen years earlier, namely, the convention for indemnification of August 11, 1802.[50]

Adams' enthusiasm for his new seal did not stop with its use on wax seals placed beside his signature on formal documents. He also directed that its design be used on United States passports—"wishing a better and more attractive form of passports", as a member of his family put it.[51] The Adams seal was

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[45] He cites Manilius' *Astronomicon*, I, 322 ff.

[46] Adams, *Memoirs*, III, 441–442.

[47] The relevant chart is reproduced in Isaacson, *American Eagle*, p. 33, and Oliver, *Portraits of John Quincy Adams and His Wife*, p. 10.

[48] Adams, *Memoirs*, III, 442.

[49] *Ibid.*, IV, 233.

[50] Miller, ed., *Treaties*, II, 492–495. See also Chapter XIV, p. 373.

[51] Adams, "Seals and Book-Plates", p. 146. It may be noted that John Adams had used the Boylston arms on passports which he had issued in 1782 while serving as Minister to the United Netherlands. *Ibid.*, plate facing p. 136.

put to this use at least as early as September 1823 [52] and continued to be used until 1865.[53]

The Adams device on a passport is shown in the present volume as illustration 60. It may be noted that the sentiments expressed by Adams in 1819, quoted above, did not prevent him from later adopting a very elaborate heraldic device as a coat of arms for his personal use.[54]

What Is the Difference Between the Great Seal and the United States Coat of Arms?

In the strictest sense, the Great Seal of the United States is the actual die used by the Secretary or Acting Secretary of State in attesting documents. In another perfectly legitimate sense, however, it is the design of that die, as approved by the Continental Congress on June 20, 1782, together with the design for a reverse approved at the same time. In this sense, the term "Great Seal of the United States" is used to describe illustrations of the design, in color or in black and white.

The coat of arms of the United States is the design or device of the obverse of the Great Seal. It was always intended that this should be so. The report of the first committee appointed in 1776 to devise a Great Seal opened with the following sentence:

> The great Seal sh[d] on one side have the Arms of the United States of America which arms should be as follows. . . .[55]

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[52] A photocopy of a passport of this date which has the Adams device is reproduced in U.S. Dept. of State, *U.S. Passport*, p. 83. The emblem on earlier passports had an eagle facing to its own left, with six arrows in its dexter talon, an olive branch in the sinister talon, a shield with nineteen pales (red and white), and thirteen stars scattered around the eagle's head. Old Passports, D.S., R.G. 59, entry 712, N.A. Although that emblem only approximated the blazon of the Great Seal, Cigrand may possibly have had in mind the change in passport emblems from this eagle to the Adams eagle in asking the question posed at the beginning of this section. If so, he probably had seen a reference to the change in Preble, *History of the Flag of the U.S.*, p. 263.

[53] A change was made between Apr. 24, 1865, when a passport with the Adams emblem was issued, and the following May 8, when a passport was issued bearing an emblem showing an eagle standing on a shield. Old Passports, D.S., R.G. 59, N.A.

[54] Adams, "Seals and Book-Plates", plate facing p. 142.

[55] See Chapter II, p. 26.

And the report of Charles Thomson adopted by Congress in 1782 separated the seal device into three parts: arms, crest, and reverse.[56]

The coat of arms, as now used, usually includes the entire obverse design of the Great Seal, although a literal reading of the 1782 action would support the omission of the crest. At times, just the shield or escutcheon, with its blue chief and white and red pales, is referred to as the coat of arms—as in the European usage of the word "arms" for the device borne on the shield—but in current official practice the "coat of arms of the United States" includes shield, eagle, olive branch, arrows, motto, and crest.

The coat of arms is an official emblem, mark of identification, and symbol of the authority of the United States Government. The Government displays, or has displayed, the coat of arms on currency, coins, postage stamps, stationery, publications, flags, military uniforms, public monuments, public buildings, passports, forms, and other items that it issues, owns, or uses. The coat of arms may appear in color or without color, and it may be printed, engraved, embossed, shown in relief, etched, carved, stamped, painted, lithographed, stitched, or reproduced by any other process appropriate to the materials being used.

While it would be impossible to compile a complete list of official uses of the coat of arms, some standard and some unusual uses will be noted here. The Department of State uses the coat of arms on the Secretary's flag; Ambassadors' flags; publications; letterheads; passports; official invitations, menus, and place cards; official china and crystal; official automobiles and chauffeurs buttons; awards and certificates; plaques and wall decorations; and diplomatic identification cards, career consular officers' identification cards, and tax exemption cards issued to certain foreign officials in the United States. Also, when a foreign ambassador is about to present his credentials to the President, he submits in advance the text of the remarks which he intends to make on that occasion, and the Department of State prepares a reply for the President to read; the President hands a copy of that reply to the ambassador at the ceremony, and on that copy the Department—using a small hand press equipped with a $1\frac{3}{16}$-inch die and a counter-die—has embossed the United States coat of

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[56] See Chapter VI, p. 84.

arms.[57] Other agencies of the Government, in all its branches, also use the coat of arms in many ways, from the small cut printed on every issue of the *Congressional Record* to large reliefs in metal, stone, and other materials on government buildings. One of the unusual media used for the display of the coat of arms is stained glass, in a window in the Prayer Room at the United States Capitol.[58]

The coat of arms has also been used as a patriotic emblem on a great variety of items made by individuals or manufactured for sale commercially. These uses, and certain restrictions placed on them by Congress, will be discussed later in this chapter.

Which Official Seals Derive Their Designs From the Great Seal?

Earlier chapters have mentioned the development from the Great Seal device of the seals of the President, the Vice President, the Department of State, and the Supreme Court. Designers of other official seals have also frequently drawn on the Great Seal for elements now used on seals of other agencies of the Government.

The derivation of the following official seals and devices can be traced at least in part to the Great Seal:

Department of the Air Force
Department of the Army—National Guard Bureau
Central Intelligence Agency
Civil Aeronautics Board

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[57] This press is kept in the Office of Protocol, where the coauthor examined it on July 26, 1977, through the courtesy of Mr. Hampton Davis, Assistant Chief of Protocol for Special Protocol Services.

Embossing dies of various sizes, including three cut with the design of the U.S. coat of arms, were prepared by Allan G. Wyon, a London medallist, but were discarded in July 1909 because they were thought to have heraldic flaws. Impressions in wax from these dies have been made on an experimental basis, but the dies were apparently never used officially. They are preserved in D.S., R.G. 59, entry 856A, N.A.

[58] For a photograph of this window, see H. Doc. 362, 88th Cong., 2d sess., p. 361. Other specialized official uses of the coat of arms are illustrated in Klapthor, *Official White House China;* Campbell and Howell, *American Military Insignia;* McCandless and Grosvenor, *Flags of the World;* and Albert, *Record of American Uniform and Historical Buttons.*

Department of Commerce, including separate devices for the Patent Office, the Maritime Service, the National Bureau of Standards, the Merchant Marine, and the National Defense Executive Reserve

Cost Accounting Standards Board

Department of Defense, including separate devices for the National Board for the Promotion of Rifle Practice, the Defense Supply Agency, and the Defense Civil Preparedness Agency

Executive Office of the President—Office of Management and Budget and Office of Economic Opportunity

Export-Import Bank of the United States

Farm Credit Administration

Federal Communications Commission

Federal Energy Administration

Federal Home Loan Bank System

Federal Maritime Commission

Federal Mediation and Conciliation Service

Federal Power Commission

Federal Reserve System

General Accounting Office

General Services Administration, including separate devices for the Advisory Commission on Intergovernmental Relations, the National Archives of the United States, and the Equal Employment Opportunity Commission

Department of Health, Education, and Welfare, including a separate device for the President's Council on Physical Fitness and Sports

Speaker of the House of Representatives

Department of Housing and Urban Development

Department of the Interior—Bureau of Mines and the Government of the Virgin Islands

Interstate Commerce Commission

Department of Justice, including separate devices for the Immigration and Naturalization Service, the Federal Bureau of Investigation, the the United States Board of Parole, and the Drug Enforcement Administration

Department of Labor, including separate devices for the Federal Committee on Apprenticeship, the President's Committee on Employment of the Handicapped, the Veterans Employment Service, and the Job Corps

Library of Congress

National Foundation on the Arts and Humanities

National Gallery of Art

National Labor Relations Board

Department of the Navy, including separate devices for the United States Marine Corps and a large number of individual bureaus, offices, commands, etc.

Overseas Private Investment Corporation
President of the United States
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Department of State, including separate devices for the Agency for International Development and for American Embassies, Consulates General, Consulates, and Missions
Supreme Court of the United States
Department of Transportation—United States Coast Guard, United States Coast Guard Academy, United States Coast Guard Reserve, Saint Lawrence Seaway Development Corporation, and the National Transportation Safety Board
United States Arms Control and Disarmament Agency
United States Court of Claims
United States Court of Customs and Patent Appeals
United States Information Agency, with a separate device for the United States Information Service
United States International Trade Commission
United States Postal Service
United States Senate
Veterans Administration
Vice President of the United States [59]

It may be noted that the seals of many of the States include elements derived from the Great Seal.[60]

When a Vice President Is Named Under the Twenty-fifth Amendment, Is the Great Seal Affixed to His Commission?

Since the Twenty-fifth Amendment to the Constitution of the United States was adopted in February 1967,[61] its provisions have been used twice to fill a vacancy in the office of Vice President

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[59] Most of these devices are illustrated in U.S. Government Printing Office, *Seals and Other Devices*, pp. 6–68. The use of stars as a decorative device or of a shield have not by themselves been considered sufficient grounds for including agency devices in this list. See also Lehner, comp., *American Symbols*, pp. 60–67.

[60] U.S. Government Printing Office, *Seals and Other Devices*, pp. 72–76. King, "Seals of Our Nation".

[61] The necessary ratifications by the States had been completed by Feb. 10, 1967. The Administrator of General Services executed the required certificate on Feb. 23, and this certificate was published on Feb. 25. 32 *Federal Register* 3287, Feb. 25, 1967.

of the United States. In 1973 President Richard Nixon nominated Gerald R. Ford, of Michigan, to be Vice President after the resignation of Spiro T. Agnew. Then Ford, who succeeded Nixon in the Presidency in 1974, nominated Nelson A. Rockefeller, of New York, to be Vice President. The question has been asked, Who signed the commissions of Ford and Rockefeller, and did their commissions have the Great Seal affixed to them?

The relevant provision of the Twenty-fifth Amendment reads as follows:

> SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.[62]

Nothing is said about a commission, and in fact no commission was issued on either of the occasions mentioned. The President in each case sent a nomination to the Congress, and, after both houses had approved the nomination, the only formality required was that the nominee take the oath of office. In the absence of a commission, there was no document to which the Great Seal could appropriately be affixed.

DO THE PRESIDENT AND SECRETARY OF STATE ACTUALLY SIGN THE DOCUMENTS SEALED WITH THE GREAT SEAL?

Because the act of Congress of September 15, 1789,[63] required the President's signature on civil commissions and on special warrants as a prerequisite to affixing the Great Seal, the authenticity of the signature is of some importance.

So far as known, both Presidents and Secretaries of State in the early days of the Republic signed personally and with their own hands the documents that were to pass under the Great Seal. This must have been a burden at times, when, as pointed out in Chapter XIV, such documents as sea letters and Mediterranean passports were processed by the thousands. Although the Department of State messenger then sometimes affixed the seal, no evidence has been found to indicate that the President and Secretary found any way to lighten their tasks.

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[62] 81 Stat. 983. U.S. Code, I, liii.
[63] 1 Stat. 68.

In the Hayes administration (1877–1881), however, Secretary of State William M. Evarts began the use of a stamp to affix his signature to passports, and this practice was followed (with either a metal or a rubber stamp) by most of the Secretaries to the end of the nineteenth century except for Thomas F. Bayard, who was Secretary of State from 1885 to 1889, and who used the pen.[64] Bayard, however, is almost certainly the Secretary to whom John Bassett Moore was referring in a letter written late in life:

> . . . In the case of one Secretary of State whom I knew, the writing of his name was done by his secretary, who had been with him in public life a long while and could perfectly imitate his signature.[65]

While nothing has been found linking this practice specifically to documents passing under the Great Seal, that would be the area in which Bayard most needed relief, and one suspects that the practice was indeed followed for routine sealed documents. So far as noted, staff members at the White House have been more discreet in discussing this subject.

The question enters the official record at the time of the illness of President Woodrow Wilson in 1919. On October 25 of that year Secretary of State Robert Lansing wrote [66] to the Attorney General pointing out Wilson's "inability to sign the commissions of a large number of diplomatic and consular officers" whose nominations had been approved by the Senate. Lansing asked two questions. The first was:

> It has . . . occurred to me that the situation . . . might be met by spreading upon the records of this Department, as has perhaps already sufficiently been done, the fact of the appointment by the President, with the advice and consent of the Senate, of the officers in question and by advising them and the appropriate accounting officers of the United States, in the name of the President, of the fact of such appointments;

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[64] Memorandum from Gaillard Hunt to Secretary of State John Hay, Feb. 2, 1900, subject file VI/A/15, Passport Office, D.S.

[65] Letter from Moore to Richard W. Flournoy, July 7, 1943, box 164, folder "State Department General 1896–1942", John Bassett Moore Papers, Ms. Div., L.C. Moore was a friend of Bayard, and the quoted passage is in the context of affairs when Moore was first appointed in the Dept. of State in 1885. Concerning Moore, see Chapter XII, p. 280.

[66] The letter was actually signed for Lansing by Acting Secretary of State William Phillips.

> and that the issuance of commissions to them might be deferred until a later date. May I request your opinion on this point?

The second question, which in effect proposed an alternative solution, was:

> I therefore beg to inquire whether, in view of the provisions of the Revised Statutes referred to,[67] you consider that I would be justified in signing in the name of the President, commissions for the officers in question and in affixing the Seal of the United States to such commissions.[68]

The Department of Justice avoided giving a formal ruling or opinion in reply to this letter, but "an informal expression" of the views of the Assistant Attorney General contained the following passage:

> . . . I think . . . that the issuing of the commission is necessary . . . I am, however, inclined to think, in view of the statutes which you quote, that it is not necessary that the President himself should sign the commission, and this appears to have been held by Attorney General Griggs [69] in his opinion of May 16, 1898 (22 Op. A. G. 82). It would seem to be sufficient that a commission should bear a declaration that it is the act of the President and that it is signed by the Secretary of State in his name and at his direction.[70]

Lansing seems not to have used the procedure suggested, as no commissions to diplomatic or consular officers were issued in that form. The Department of State did reassign consular officers by telegram (rather than by commission), but it held off on the issuance of actual commissions until the President's health improved and he was able to sign them.[71]

The crushing workload of the Presidency, however, continued to be of concern to officials in the Executive branch of the Govern-

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[67] The sections referred to were 202 and 1794, relating, respectively, to the performance by the Secretary of State of duties "enjoined on or intrusted to him by the President" and to the Secretary's responsibility for keeping and affixing the Great Seal.

[68] Letter from Lansing to the Attorney General, Oct. 25, 1919, file 120.31/-orig., D.S., R.G. 59, entry 196, N.A.

[69] For a biographical sketch, see *Dict. Amer. Biog.*, VII, 627–628.

[70] Letter from Assistant Attorney General La Rue Brown to the Secretary of State (for the attention of the Solicitor), Nov. 4, 1919, file 120.31/orig.

[71] This conclusion was reached on the basis of an examination of record copies of diplomatic and consular commissions, D.S., R.G. 59, entries 349, 352, N.A. The first such commissions after Wilson's illness which were recorded as bearing the President's signature were dated Dec. 20, 1919.

ment. On September 15, 1924, Assistant Secretary of State Wilbur J. Carr [72] sent a memorandum to the Under Secretary in which he stated:

> From March 4, 1921, to June 30, 1924, the President signed 502 commissions for Diplomatic Secretaries, Consuls General and Consuls on their appointment or promotion to their respective classes. In addition to that number he signed commissions assigning Consuls to posts to the number of 247. During the same period there were issued to Vice-Consuls de Carriere, over the signature of the Secretary of State, 673 commissions which . . . will in future have to be signed by the President. This makes 1,422 commissions for the period stated. Since June 30, 1924, there have been issued 725 commissions to classes. When the nominations of these officers are confirmed in December, new commissions will have to be signed by the President. In addition all commissions assigning consular officers to posts, including Vice Consuls de Carriere, will have to be signed by the President. It seems to me an unnecessary burden to impose upon the President if it can be avoided.
>
> It has been the practice now for several years to relieve the Secretary of State of the burden of personally signing passports other than diplomatic and special passports by having his signature engraved upon the passport blank. I should think it would be possible to have the President's signature engraved upon the commissions issued to Foreign Service Officers, Diplomatic Secretaries and consular officers and, as it is usual to issue a number of these commissions at the same time, to place the names upon an invoice and enable the President with one signature to validate the appointment of all of the officers named thereon. The commission with the engraved signature would then be issued by the Department, countersigned by the Secretary of State—unless, indeed, he should wish his signature also engraved—and issued to the officers concerned.
>
> The burdens of the President are increasing so rapidly that it would seem to me a step of the kind proposed would prove a great relief to him, would expedite public business and meet all the legal requirements.[73]

With Carr's last statement the Solicitor for the Department of State disagreed. Writing on September 17, 1924, that officer concluded:

> . . . it is not believed that civil commissions may be issued in keeping with the letter or intent of the law other than over the personal signature of the President. If it is desired to relieve him of this onerous duty in any

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[72] For biographical sketches, see *Dict. Amer. Biog.*, supplement III, pp. 138–139; *Register D.S.*, 1938, p. 68.

[73] Memorandum from Carr to Under Secretary of State Joseph C. Grew, Sept. 15, 1924, file 120.31/10½.

class of cases, which would doubtless be a laudable act, apparently the proper procedure would be by an appeal to Congress.[74]

Nothing further was done at that time, but very shortly after Herbert Hoover became President he asked if there were not "some legal way" in which he could be "relieved of the necessity of personally signing the large number of commissions for foreign service officers and consuls, assignments, exequaturs, etc." which came to him for signature.[75] On this occassion the Office of the Solicitor suggested a procedure that would be "legal and workable", and Secretary of State Henry L. Stimson sent the following statement of it to the White House on March 29, 1929:

> The matter of affixing the President's signature to commissions after he has authorized the issuance of such commissions is, in my opinion, merely a ministerial or mechanical act, the authority for the performance of which may be delegated by the President to some other official. There must, however, be some indication by the President that he has approved the issuance of the commissions and has authorized the signing of his name thereto. This, it seems to me, might be accomplished with the least possible encroachment upon the time of the President by having presented to him on prepared lists the names of the officials and the offices to which they are to be commissioned, thus enabling the President by one signature to authorize the issuance of commissions to a group of officers and to indicate by whom his name should be signed.
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> The same procedure could be followed with respect to the assignment of Foreign Service Officers to their posts and the signing of exequaturs issued to foreign Consular Officers in the United States.
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> The question as to how and by whom the President's name should be placed upon these instruments is one, of course, to be determined by the President himself. I would suggest, however, that this might be accomplished either (1) by printing on the document the *fac simile* signature of the President or (2) by authorizing some official to sign the President's name to these instruments either by pen or by the use of a stamp.

The Department of State received the next day the President's approval of the first of these proposed procedures, accompanied by a signature from which the required facsimile could be made.[76]

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[74] Memorandum from Solicitor Green H. Hackworth to Carr, Sept. 17, 1924, file 120.31/9½.

[75] Letter from Lawrence Richey, Secretary to the President, to Secretary of State Frank B. Kellogg, Mar. 19, 1927, *ibid.*/53. Richey stated that this inquiry came from Hoover himself.

[76] Letter from Stimson to Richey, Mar. 29, 1929, *ibid.*/54. Letter from Richey to Stimson, Mar. 30, 1929, *ibid.*/55.

The first of the "authorization lists" contemplated by this procedure—backdated to March 26, the day on which Stimson's predecessor, Secretary Frank B. Kellogg, had affixed his countersignature to twenty-four commissions [77]—went to the White House on April 3, 1929.[78] Three authorization lists dated April 18 were signed by Hoover, and a procedure which has continued (with some modifications) to the present day was placed in operation. The first modification was made the following month when Stimson, having apparently countersigned personally a number of commissions and exequaturs, issued an authorization to the Chief Clerk and Administrative Assistant on May 25 "to cause the appropriate exequaturs countersigned in my name to be issued". Another modification has been the replacement of the engraved plate by a stamp bearing a facsimile of the President's signature.

Some consideration was given to extending this procedure "to the commissions of Ambassadors and Ministers and other officers whose appointments are made through the Department of State",[79] but the decision on that question (although no record of it has been found) was negative, as such an extension was not implemented.

One further modification in the procedure has already been mentioned—that of issuing master commissions for promotions in lieu of individual commissions. These master commissions began to pass under the Great Seal beginning with one dated December 7, 1967, and they are implemented by the issuance of personnel actions. Master commissions, being a special category of authorization list, of course bear the holograph signature of the President and the holograph countersignature of the Secretary or Acting Secretary of State.[80]

It may be mentioned here that countersignature by the Secretary of State, the Acting Secretary of State, or the Secretary of State ad interim is not required by law on documents that pass

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[77] These papers were presumably countersigned in advance because Kellogg was about to relinquish office.

[78] Letter from Stimson to Hoover, Apr. 3, 1929, filed between 120.31/55 and 120.31/55a.

[79] Presidential Authorization Lists, D.S., R.G. 59, entry 345, N.A. Memorandum from Carr to multiple addressees, Apr. 1, 1929, file 120.31/55.

[80] See Chapter XIV, p. 339.

under the Great Seal, but it is dictated by almost two centuries of custom. Some examples of documents which were sealed without countersignature have been mentioned earlier in this volume, and there were a good many others in the early period of the Republic, including the commission issued on March 5, 1817, by President James Monroe to John Quincy Adams as Secretary of State.[81] No example is known since 1854, however, of an uncountersigned document bearing the Great Seal of the United States.

By the Wilson administration, the precedent of Adams' uncountersigned commission seems to have been forgotten, and a minor crisis arose over the commissioning of Bainbridge Colby as Secretary of State. Wilson had nominated Colby on February 25, 1920, but the nomination was not confirmed by the Senate until the following March 22, on which date his commission was issued. The circumstances have been described as follows:

> In 1920, however, the question of the countersignature was considered under somewhat unusual circumstances. The term of Frank Lyon Polk as Secretary of State ad interim having expired by operation of law on March 14, 1920, before the Senate confirmed the nomination of Bainbridge Colby . . . there was then no Secretary of State ad interim or Acting Secretary . . .

competent to countersign Colby's commission, the record copy of which is endorsed as follows:

> An opinion was obtained from the Solicitor to the effect that, notwithstanding the fact that Mr. Colby did not take his oath until March 23rd, he should countersign his own commission as there was no acting secretary.

And countersign the commission he did—presumably on the basis that the commission was legally complete without the countersig-

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[81] See Chapter VII, p. 155; Chapter XIV, pp. 372–373. For further examples of uncountersigned documents in the early period, see Miller, ed., *Treaties*, I, 191. The record copy of Adams' commission is in Miscellaneous Commissions, Permanent, D, 166, D.S., R.G. 59, entry 347, N.A. Miss Elisabeth H. Breuer, of the staff of The Adams Papers, Mass. Hist. Society, Boston, confirms that the original commission bears no countersignature. Letter from Miss Breuer to Fredrick Aandahl, Dept. of State, June 6, 1977, in the files of the Office of the Historian, D.S.

nature, but in recognition of the custom that all commissions must be countersigned.[82]

The date of countersignature has also been a matter of discussion within the Department of State. Particularly in recent decades, when every Secretary of State has traveled a great deal, documents signed by the President on a given day have arrived at the Department for sealing after the Secretary's departure on a mission abroad although he was in Washington on the date of the President's signature. In 1954, soon after John Foster Dulles took office, the Office of the Legal Adviser offered the following advice on this subject:

> . . . it is the opinion of this office that it is immaterial on what date . . . countersignatures are affixed by the Secretary, or by the Acting Secretary when the Secretary is absent. For example, if the Secretary was present on August 31 when the President directed him to issue commissions to certain Foreign Service officers under date of August 23 in the name of the President but was absent on September 1 when the directive was received, such commissions may properly be countersigned by the Secretary upon his return, or may be countersigned on or after September 1 by the Acting Secretary during the Secretary's absence. Such commissions may also be countersigned in the name of the Secretary provided he had specifically directed the Acting Secretary to authorize [that] the Secretary's countersignature be affixed to such documents. On the other hand, if the Secretary was absent on August 31 when the President signed the directive but returned on September 1 when the directive was received, the commissions may be countersigned by the Secretary. It may also be possible in the latter case for the Acting Secretary to countersign the commissions since he was acting in that capacity at the time the President issued the directive. This action by the Acting Secretary, however, would require a determination that the President's directive was constructively received on August 31.[83]

Current practice is to hold commissions signed by the President on a given day, such as August 31, until the officer who

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[82] Miller, ed., *Treaties*, I, 191. Miscellaneous Presidential Appointments, VI, 271, D.S., R.G. 59, entry 347, N.A. The law which put a thirty-day limit on the period during which Polk could act as Secretary of State—a term which expired Mar. 14, while Colby's nomination was still pending in the Senate—was the act of Feb. 6, 1891, 26 Stat. 733. For a biographical sketch of Polk, see *Dict. Amer. Biog.*, supplement III, pp. 605–606.

[83] Memorandum from J. Edward Lyerly, of the Office of the Legal Adviser, to Walter K. Scott, Director, Executive Secretariat, Sept. 14, 1954, file 110.11/-9–1454, Central Files, D.S.

was in charge of the Department of State on that day is physically available in Washington to affix his countersignature or to have it affixed in his name. This avoids a situation in which a commission might be dated on a day when it was a matter of public record that the President and the countersigner were on different continents.

Why Are There So Many Different Shades of Blue in Color Reproductions of the Great Seal?

The Continental Congress, when it adopted a device for the Great Seal on June 20, 1782, approved only a blazon or verbal description of the design. That blazon specified that certain parts of the device were to be *argent*, *gules*, *azure*, and *or*—in other words, silver (or white), red, blue, and gold (or yellow). This should have caused no problems for the seal engraver, because there was a conventional way, universally accepted, to show tinctures in engraving,[84] but, as noted in Chapter XIII, the Zeitler Great Seal die of 1904 was the first to achieve a fully accurate representation of the colors or tinctures of the blazon.

Paintings and color reproductions of the Great Seal device pose a different set of problems. In most of them, following heraldic traditions, the metal *or* has been shown as yellow rather than gold, and the metal *argent* has been depicted as white rather than silver, although a few publications (including the two histories by Gaillard Hunt mentioned in Chapter XII) have presented color plates that used silver for the seven *argent* pales on the shield and for the thirteen stars in the crest. *Gules*, or red, has been represented within a rather limited range of shades, but there have been striking variations in the shades of blue used to represent *azure* both in official publications and in unofficial reproductions.

What did the designers of the Great Seal have in mind? In William Barton's second design for the seal, which has survived (see illustration 8), a rather bright blue of medium shade—neither very light nor very dark—was used for *azure*. The color appears to be fresh and unfaded. But is it the final clue from the

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[84] See the entries for *argent*, *azure*, *ermine*, *gules*, *or*, *sable*, and *vert* in the glossary, *infra*, pp. 572 ff.

designers? Charles Thomson's later design (see illustration 14) shows a much lighter, paler, and grayer blue, although on Thomson's drawing the colors seem badly faded.

In the course of the preparation of this volume, the Historical Office of the Department of State sought the advice of the College of Arms in London as to eighteenth-century British heraldic practice. It wrote to Sir Anthony Wagner, K.C.V.O.,[85] Garter Principal King of Arms, and asked whether there had been any norm for the depiction of *azure* by British heraldic painters in the late eighteenth century. Wagner replied as follows:

> I am interested to have your letter of the 4th of May and can give a definite answer to your question. It is a fundamental principle of heraldry and always has been that azure means simply blue, not any particular shade of blue and gules means red, not any particular shade of red and so forth. In modern heraldry specific shades are occasionally mentioned or are brought in by way of describing a natural object as proper but that does not apply to the heraldic tinctures. The answer to your question therefore is, that at the date in queston there was a wide variation in the rendering of blue.[86]

One clue, however, has been found in an eighteenth-century manual of heraldry which Barton is known to have used.[87] Guillim's *Display of Heraldry* had this to say on the subject:

> Blew is a Colour which consisteth of much Red, and of little White, and doth represent the Colour of the Sky in a clear Sun-shining Day. This in Blazon is termed *Azure*.[88]

The color which Barton used for *azure* in the drawing of his second design could well have been an attempt to match "the Colour of the Sky in a clear Sun-shining Day".

No two publications of the Department of State, from 1892 to 1976, have used exactly the same shade of blue in color plates of the Great Seal. Still a different blue, not used in any of the publications, is used in the seal device as shown on the Secretary of State's flag, and plaques and lithographs used in the Department

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[85] For a biographical sketch, see *Who's Who*, 1976, p. 2455.

[86] Letter from Fredrick Aandahl, Acting Director, Historical Office, to Wagner, May 4, 1976, copy in the files of the Office of the Historian, D.S. Letter from Wagner to Aandahl, May 18, 1976, *ibid.*

[87] See Chapter IV, p. 61.

[88] Guillim, *Display of Heraldry*, p. 10.

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show yet different shades of blue, some of them almost approaching purple.

Using the terminology of the *Standard Color Card of America*,[89] and moving in general from lighter, grayer, or greener blues to deeper, redder shades, the following table gives some approximation[90] of shades of blue that have been used officially to show the chief or upper part of the shield in the Great Seal device and in the derivative coats of arms or flags of the President, Vice President, and Secretary of State:

Old Blue	Thomson's seal design
Aqua	Hunt, *History of the Great Seal* (1909)
Saxe Blue	President's flag
Grotto Blue	*Great Seal of the United States* (1976)
Peking Blue	Barton's second seal design
Old Glory Blue	Flags of the Vice President and Secretary of State

So far as printed publications are concerned, the United States Government has established no standard for the representation of *azure* in color reproductions of the Great Seal design or the coat of arms of the United States, and it seems unlikely that such a standard will be established in the near future. In the absence of a statutory basis, or even an Executive order, wide variations in the representation of *azure* will no doubt continue, and they must all be considered heraldically valid.

Are Stars and a Cloud an Appropriate Crest?

In 1871 Charles J. Lukens, of Philadelphia, set down the following reservation as to the heraldic propriety of using the term "crest" for the stars over the eagle's head on the obverse of the Great Seal:

> The armoristic lapses . . . are: . . . *Third*. Denominating the stars over the head of the eagle a "crest." They are instead only approximately a crest, but are not a crest except through great latitude in the use of the term, because they could not be tangibly represented as in nature, and

[89] Issued by the Textile Color Card Association of the U.S.

[90] The *Standard Color Card* does not include all the shades used. The closest sample in the *Color Card* is therefore listed here, even though it may differ considerably in shade from the design or publication listed.

> attached to the top of a helmet. Theoretically the crest must be something possible to represent in apparent solidity in carved or stamped work which being affixable to the helmet, can also be reasonably, represented as resting upon the top of the shield.[91]

Lukens was of course right with regard to the normal armorial achievement, which shows the shield surmounted by a helmet and the helmet surmounted in turn by a crest—as in William Barton's designs for the Great Seal (see illustrations 7 and 8). It would indeed be difficult to produce a three-dimensional constellation in a cloud to place upon a helmet or to visualize a knight riding into battle with such a crest above his head. But when Charles Thomson discarded the helmet entirely from his design (illustration 14), he obviously felt entitled to greater freedom. He of course did not use a crown over his eagle, as did the Russian Tsar and the Holy Roman Emperor, and a helmet above the eagle's head would have been absurd. Thomson needed something different to complete and give balance to his design. While novel heraldically, his crest of a constellation surrounded by a "glory" within a cloud met its principal test—a device that would satisfy and be approved by the Continental Congress after almost six years of delay.

Which President Made a Speech on the Great Seal?

So far as known, the only time a President of the United States has formulated a public address around the subject of the Great Seal was on October 9, 1899. President William McKinley was in Chicago for ceremonies that included observance of the twenty-eighth anniversary of that city's Great Fire and the laying of the cornerstone of a new Federal Post Office building. The occasion for the speech was the banquet that evening, held in the Chicago Auditorium. The President was the guest of honor and principal speaker. Among numerous distinguished guests were Vice President Ignacio Mariscal of Mexico and Premier Wilfrid Laurier of Canada.

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[91] Quoted from a letter of Oct. 25, 1871, from Lukens to George Henry Preble, and reprinted from Preble, *Our Flag: Origin and Progress of the Flag of the U.S.*, p. 480*n*.

Bernard J. Cigrand took credit for bringing the subject of the Great Seal to President McKinley's attention and providing the information about it used in the speech. In his *Story of the Great Seal* Cigrand relates that in the latter part of September 1899 he sent the President a "proof copy" of a major portion of the then unfinished work. "A fortnight subsequent to the receipt of the work he was a guest of the city of Chicago, and at the evening's banquet . . . he chose as his subject, 'The Great Seal of the United States.' "[92]

The text of the President's address follows:

Mr. Toastmaster and Gentlemen:

I am glad to join you in extending a sincere welcome to the distinguished statesmen and diplomatists who represent the great countries adjoining us on the south and the north. We are bound to them both by ties of neighborhood. We rejoice in their prosperity, and we wish them God-speed in the pathway of progress they are so energetically and successfully pursuing. [Great applause.]

You have assigned to me the toast "The Nation"—our nation, whose strength and safety rests, not in armies nor in navies, but in the love and loyalty of the people [great applause], which have never failed to respond to every emergency and to be all-conquering in every peril.

On the reverse side of the great seal of the United States, authorized by Congress June 20, 1782, and adopted as the seal of the United States of America after its formation under the Federal Constitution, is the pyramid, signifying strength and duration. The eye over it and the motto allude to the many signal interpositions of Providence in favor of the American cause. The date underneath, 1776, is that of the Declaration of Independence, and the words under it signify the beginning of a new American era which commences from that date.

It is impossible to trace our history since without feeling that the Providence which was with us in the beginning has continued to the nation his gracious interposition. When, unhappily, we have been engaged in war, he has given us the victory. Fortunate, indeed, that it can be said we have had no clash of arms which has ended in defeat, and no responsibility resulting from war which has been tainted with dishonor. [Great applause.] In peace we have been signally blessed, and our progress has gone on unchecked and ever increasing in the intervening years. In boundless wealth of soil and mine and forest nature has favored us, while all races of men of every nationality and climate have contributed their good blood and brains to make the nation what it is.

From a little less than four millions in 1790 our population has grown to upward of sixty-two millions in 1890, and our estimated population

[92] Pp. 465–472.

to-day, made by the governors of the States, is 77,803,231. We have gone from thirteen States to forty-five. We have annexed every variety of territory [applause], from the coral reefs and cocoanut groves of Key West to the icy regions of northern Alaska—territory skirting the Atlantic, the Gulf of Mexico, the Pacific, and the Arctic, and the islands of the Pacific and Caribbean Sea, and we have but recently still further extended our jurisdiction to the far-away islands of the Philippines. [Great and long-continued applause.]

Our territory is more than four times larger than it was when the treaty of peace was signed in 1783. Our industrial growth has been even more phenomenal than that of population and territory. Our wealth, estimated in 1790 at $462,000,000, has advanced to $65,000,000,000.

Education has not been overlooked. The mental and moral equipment of the youth, upon whom in the future will rest the responsibilities of government, has had the unceasing and generous care of the States and the nation. We expended in 1897–98 in public education open to all over $202,115,548, in secondary education more than $23,474,683, and for higher education for the same period, $30,307,902; and the number of pupils attending our public schools in 1896–97 was 14,652,492, or about twenty per cent. of our population. [Applause.] My countrymen, is this not a pillar of strength to the republic? [Applause.]

Our national credit, often tried, has ever been upheld. It has no superior and no stain. The United States has never repudiated a national obligation [great applause] either to its creditors or to humanity. [Great applause.] It will not now begin to do either. [Great applause.] It never struck a blow except for civilization, and never struck its colors. [Prolonged applause.]

Has the pyramid lost any of its strength? The pyramid put on the reverse side of the great seal of the United States by the fathers as signifying strength and duration, has it lost any of its strength? [Voices, "No!"] Has the republic lost any of its virility? Has the self-governing principle been weakened? Is there any present menace to our stability and duration? [Voices, "No!"] These questions bring but one answer. The republic is sturdier and stronger than ever before. [Great applause.] Government by the people has not been retarded, but advanced. [Applause.] Freedom under the flag is more universal than when the Union was formed. Our steps have been forward, not backward. We have not stood still. "From Plymouth Rock to the Philippines [great applause] the grand triumphant march of human liberty has never paused." [Great applause.]

Fraternity and union are deeply embedded in the hearts of the American people. For half a century before the Civil War disunion was the fear of men of all sections. That word has gone out of the American vocabulary. [Great applause.] It is spoken now only as a historical memory. North, South, East, and West were never so welded together,

and while they may differ about internal policies, they are all for the Union and the maintenance of the integrity of the flag. [Great applause.]

Has patriotism died out in the hearts of the people? [Voices, "No!"] Witness the two hundred and fifty thousand men springing to arms and in thirty days organized into regiments for the Spanish War, and a million more ready to respond [applause]; and the more recent enlistment of seventy thousand men, with many other thousands anxious to enlist, but whose services were not needed—not, my fellow-citizens, for the glory of arms, but for the love of peace. [Applause.] Has American heroism declined? [Voices, "No!"] The shattered and sinking fleets of the Spanish navy at Manila and Santiago, the charge of San Juan hill and El Caney, and the intrepid valor and determination of our gallant troops in more than fifty engagements in Luzon, attest the fact that the American soldier and sailor have lost none of the qualities which made our earlier army and navy illustrious and invincible. [Great applause.]

After one hundred and twenty-three years the pyramid stands unshaken. It has had some severe shocks, but it remains immovable. It has endured the storms of war, only to be strengthened. It stands firmer and gives greater promise of duration than when the fathers made it the symbol of their faith. [Applause.]

May we not feel assured, may we not feel certain tonight that, if we do our duty, the Providence which favored the undertakings of the fathers, and every step of our progress since, will continue his watchful care and guidance over us, and that "the hand that led us to our present place will not relax his grasp till we have reached the glorious goal he has fixed for us in the achievement of his end?" [Prolonged applause.][93]

What Restrictions Are There on Unofficial Use of the Great Seal Device?

In the early years of the United States, after the Great Seal had been adopted and put into use, its design received general popular acceptance and approval, and there seems to have been a widespread impulse among the people to place it on display. As with the flag, they took it to their hearts as one of the national symbols. The seal design itself, or modified forms of it, appeared throughout the country in a startling variety of places and on a surprising number of objects. In such forms the device of the

[93] Text, with bracketed interpolations, reprinted from *Speeches and Addresses of William McKinley*, pp. 243–247. The speech was reported in the *New York Times*, Oct. 10, 1899, p. 3.

obverse of the Great Seal and the coat of arms of the United States are one and the same thing,[94] and it is impossible to say whether the creator of any particular item had in mind the Great Seal or the coat of arms.

The device appeared on private homes, on vessels, on arches erected for ceremonial occasions, on the signs of taverns and inns, on furniture (chairs, tables, stands, chests, looking-glass frames, furniture pulls), on kitchen equipment and ware (stove plates, bellows, dippers, cider jugs, butter molds), on tableware (porcelain, china, pewter, pottery), on other household items (quilts, spreads, coverlets, and other needlework), on militia equipment (drums, helmets, canteens), on miscellaneous items (playing cards, campaign buttons, printer's ornaments), and in paintings, drawings, engravings, lithographs, and impressions from woodcuts and type-foundry ornaments.[95]

As is evident from the foregoing, from an early time artisans, craftsmen, manufacturers, importers, and merchants were freely using the Great Seal device for commercial purposes, and no objection on the part of the Department of State has been noted before the twentieth century.[96] And the author recalls a conversation with Percy F. Allen in the early 1930's during which Allen, who then had charge of the seal, stated: "The Great Seal belongs to the people."

At the same time, there has long been a feeling within the Department of State that there should be some limits on unofficial use of the Great Seal device. Its first step toward placing statutory limits on such use was taken late in 1903 or early in 1904, at a time when a new Great Seal die was being prepared

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[94] See *supra*, p. 535.

[95] See, e.g., Isaacson, *American Eagle;* "An American Treasury: A Wealth of Eagles"; Conger and Pool, "Some Eagle-Decorated Furniture at the Dept. of State"; Keyes, "American Eagle Lowestoft"; Metropolitan Museum of Art, *Emblems of Unity and Freedom;* Christensen, *Index of American Design*, pp. 114, 129, 185, 187, 189; Hyde, *Oriental Lowestoft*, pp. 145, 147, 150; McCauley, *Liverpool Transfer Designs*, pp. 106–108, 110, plate XXVIII; Lipman and Winchester, *Flowering of American Folk Art*, pp. 232, 239, 246, 269, 278; Albert, *Record of American Uniform and Historical Buttons*, pp. 377, 383–385, 441–442; Bristow, *Illustrated Political Button Book*, pp. 32, 34, 39, 43–44, 47, 55, 68.

[96] As the nineteenth-century files of the Department, however, have no subject index, it has not been practicable to research this question in depth for that period.

for use. At that time it asked Senator Henry Cabot Lodge,[97] of Massachusetts, to sponsor legislation that would forbid forging the Great Seal. Just why this question was raised at that time is not clear, because forgery of the seal (which would be time-consuming, expensive, and commercially unprofitable) has never been a practical problem. Lodge duly introduced legislation on the subject. As amended in committee, the Lodge bill would have punished both the forgery of impressions of the seal and the making or possession of forged seal dies. The bill passed the Senate on January 14, 1905, but died in the Committee on the Judiciary of the House of Representatives.[98] The bill was not reintroduced in the next Congress, and what problems there may have been in this area have apparently been solved by more general statutes against forgery and fraud.

Congress did act in 1905, however, to restrict the use of the Great Seal design or United States coat of arms as a registered trademark. An act to "authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same", approved February 20, 1905, provided:

> SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—
>
> . . . . . .
>
> (b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof . . .

Beginning with the inter-American convention for the protection of trademarks signed at Buenos Aires August 20, 1910, protection against the registration of national coats of arms as trademarks has been provided by numerous treaties to which the United States is a party.[99]

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[97] Concerning Lodge, see Chapter XII, p. 238.

[98] The legislative history of S. 3228 can be followed in *Cong. Record*, XXXVIII, 553, 3911; XXXIX, 832, 918.

[99] 33 Stat. 724. 15 U.S. Code 1052(b). For text of the Buenos Aires convention, see Bevans, ed., *Treaties*, I, 772–779. See *ibid.*, II, 524–541 (convention signed at The Hague Nov. 6, 1925, article 6 *ter*), 751–763 (convention signed at Washington Feb. 20, 1929, article 4); *ibid.*, III, 223–241 (convention signed at

(Footnote continued on following page)

At a slightly later date there begin to appear in the files letters written by the Department to discourage what it considered legal but inappropriate uses of the seal design. One of the earliest was sent by Secretary of State Robert Lansing to a Member of Congress:

> I have received . . . a copy of a letter . . . [which] suggests using the Seal of the United States in an advertising proposition. While such use of the Seal is not forbidden by the letter of the law, the Secretary of State, as lawful custodian of the Seal, believes it to be entirely within his powers and rights when he requests citizens not to make use of illustrations of the Seal in their private business affairs.[1]

During the next half century the Department of State wrote a great many letters, expressed in varying language to fit particular circumstances or the individual style of the drafter, but the general gist, growing stronger with the passing years, was usually the same: the Department had no statutory authority to grant or to withhold permission to reproduce the device of the Great Seal, but it opposed its use in advertising or other forms of nonofficial exploitation or in any way that might give the impression of Government endorsement to a private undertaking. In appropriate cases, it was stated that it did not object to reproduction of the device in association with pertinent textual matter and for informative, educational, or patriotic purposes.[2]

The Department's approach to expressing an opinion was defined as follows in 1963:

> It has been the practice of the Department to give an opinion, if requested, upon the appropriateness of a specific proposed use of the design of the Great Seal, but it is not the Department's practice to attempt to intervene or to volunteer an opinion when it has not been requested. . . .

(Footnote continued from preceding page)
London June 2, 1934, article 6 *ter*); 13 U.S. Treaties 1–46 (convention signed at Lisbon Oct. 31, 1958, article 6 *ter*); 21 U.S. Treaties (2) 1583–1675 (convention signed at Stockholm July 14, 1967, article 6 *ter*); 24 U.S. Treaties (2) 2140–2141 (proclamation, Oct. 13, 1973, of the entry into force of the last above-cited article). For information on the current status of the various conventions regulating this subject, see U.S. Dept. of State, *Treaties in Force*, 1977, pp. 309, 310.

[1] Letter from Lansing to Representative Roscoe C. McCulloch, Mar. 23, 1916, file 811.0158/15, D.S., R.G. 59, entry 196, N.A. Numerous other letters on use of the Great Seal design were filed on case 811.0158.

[2] See copies of letters in the files of the Office of the Historian, D.S.

> The question of recommending legislation to control the use of the design of the Great Seal has been under study in the Department intermittently for several years, but I do not anticipate that the Department will request the enactment of such legislation during the current session of the Congress. . . .[3]

It was not in fact until August 31, 1965, that such legislation was recommended to the Congress in the form of a draft bill forwarded on that date by Secretary of State Dean Rusk to the Vice President and the Speaker of the House of Representatives. As drafted, the bill sought to give the President "authority to prescribe rules and regulations governing the use and reproduction of the design of the great seal of the United States and of the seal of the President of the United States".[4]

At a hearing held on August 10, 1966, by a subcommittee of the House Committee on the Judiciary, the views of the Department of State were presented in the following terms:

> Because the Great Seal of the United States is entrusted by law to the custody of the Secretary of State, the Department of State has for at least half a century felt some responsibility with respect to use of the design of the Seal. It clearly has no legal authority in this field, but its opinion was often sought nonetheless.
>
> The Department has been concerned for the past several years about what seems to be an increasing tendency to use the design of the Seal in commercial enterprises and in ways which might give an erroneous impression of Government sponsorship or involvement. We have always thought that it was appropriate for the Seal design to be reproduced privately for educational purposes—in encyclopedias, for example, in connection with text concerning the history and design of the Seal. We have always thought it inappropriate and objectionable for the Seal design to be exploited commercially in any way. We have given our opinion when asked for it, making clear that there is no Federal law or regulation to prohibit any proposed use of the Seal design.
>
> The officers responsible for this aspect of the Department's work concluded last year that the time had come to ask for legislation under which indiscriminate use of this emblem of the Federal Government could be controlled. . . . The matter was then laid before Secretary Rusk, who requested the Congress to consider legislation on the subject . . .

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[3] Letter of Oct. 28, 1963, signed by William M. Franklin, Director, Historical Office, copy in the files of the Office of the Historian, D.S.

[4] Rusk's letter to the Speaker is printed in H. Rept. 2143, 89th Cong., 2d sess., pp. 3–4. His letter to the Vice President was identical in substance to the letter to the Speaker.

> Gentlemen, we in the Department of State feel very deeply that the design of the Great Seal, as an emblem of the Federal Government, should always be used with dignity and in an appropriate manner. We are frankly appalled when we observe American businessmen—a motel owner, a restaurant operator, a book publisher—using the device in commercial advertising, or when our citizens use the emblem for commercial profit in the manufacture of ashtrays, paperweights, and costume jewelry. At present, such uses which cheapen the Seal can be prevented only by persuasion, and although this course has often been successful, it is not enough. We feel that a Government which places statutory restrictions on the use of the Smokey Bear emblem [5] should certainly place equal restrictions on the use of its Governmental coat of arms.[6]

The House subcommittee found the Department's arguments only partially persuasive. It decided "that it would be better to handle the matter of the use of the Presidential seal and possibly the seal of the Vice President as a separate matter"; it disliked making "the actual coverage of the statute . . . subject to administrative regulation and definition"; and it found use of the Great Seal device in advertising or other forms of commercial exploitation objectionable only if it "would give the public the false impression of Government participation or endorsement of a private undertaking". It therefore recommended to the House of Representatives a greatly modified measure [7] which was passed by the House, was accepted by the Senate, and became law upon its approval by the President on November 11, 1966. The statute provided a new section 713 to be added to title 18, chapter 33, of the United States Code:

> Whoever knowingly displays any printed or other likeness of the great seal of the United States, or any facsimile thereof, in, or in connection with, any advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production for the purpose

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[5] The reference is to 18 U.S. Code 711.

[6] "Statement by Richard I. Phillips, Deputy Assistant Secretary of State for Public Affairs", copy in the files of the Office of the Historian, D.S.

[7] H. Rept. 2143, 89th Cong., 2d sess. The legislative vehicle for this report was S. 2770, which had been introduced Jan. 14, 1966, reported favorably by the Senate Committee on the Judiciary July 21, 1966 (S. Rept. 1396, 89th Cong., 2d sess.), and passed by the Senate July 25. The House subcommittee also had before it a parallel bill, H.R. 10897, introduced Sept. 8, 1965, and a somewhat different bill, H.R. 5050, introduced Feb. 17, 1965. The House passed S. 2770, as amended in committee, on Oct. 3, 1966, and the Senate agreed to the House amendments Oct. 22. Legislative history on slip-law print of Public Law 89–807.

> of conveying and in a manner reasonably calculated to convey the false impression that all or any part of such advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production, is sponsored or approved by the Government of the United States, or any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.[8]

The Department of State had recommended that the President sign the new legislation as "a major step in the right direction", despite its shortcomings.[9] Upon signing the bill, the President issued a statement calling attention to what he considered specific shortcomings and announced that he had asked the Departments of State and Justice "to review the new law and to prepare a far broader proposal for submission to Congress next year".[10]

The contemplated proposal was submitted to Congress by the Department of Justice on October 29, 1969.[11] At a hearing held by a House subcommittee on November 19, 1969, witnesses for the Executive branch[12] supported the proposed legislation and, in particular, (1) the extension of the categories of use prohibited by law to include use of the Great Seal design on such items as stationery; (2) restriction of commercial use of the Great Seal design by authorizing the President to promulgate regulations on the subject; and (3) protection for the seals of the President and Vice President.[13] The subcommittee agreed in effect with the first and last of these points, but it disagreed with the second point. The report submitted to the House stated:

> . . . The committee has concluded that . . . prohibitions should not be applied to likenesses of the great seal in view of actual use of likenesses of the great seal of the United States by our citizens. The committee

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[8] 80 Stat. 1525.

[9] Letter from Dixon Donnelley, Assistant Secretary of State for Public Affairs, to Charles L. Schultze, Director, Bureau of the Budget, Oct. 25, 1966, POL 15-6 US, Central Files, D.S.

[10] *Public Papers of the Presidents: Lyndon B. Johnson*, 1966, II, 1374-1375.

[11] Letter from Attorney General John N. Mitchell to the Speaker of the House of Representatives, Oct. 29, 1969, printed in H. Rept. 91-839, 91st Cong., 2d sess., pp. 4-5.

[12] Herbert E. Hoffman, Chief, Legislative and Legal Section, Office of the Deputy Attorney General, Dept. of Justice, and Richardson Dougall, Deputy Director, Historical Office, Dept. of State.

[13] "Summary of Hearing", in the files of the Office of the Historian, D.S.

is convinced that the average citizen regards the great seal as the emblem of his country and holds it in much the same pride and esteem as he does the flag. Accordingly, the average citizen assumes that he has the right to use and display likenesses of the seal. . . .[14]

This point of view was accepted by the full House, by the Senate Committee on the Judiciary,[15] and by the Senate. The principal provisions of the act passed by the Congress and approved by the President on January 5, 1971, were expressed in the following revised language for title 18 of the United States Code:

(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

(b) Whoever, except as authorized under regulations promulgated by the President and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seals of the President or Vice President, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than six months, or both.

(c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States.[16]

The regulations authorized by subsection (b) of this legislation have been quoted earlier in this volume in connection with the seal of the President.[17] The 1971 legislation is still in force,

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[14] H. Rept. 91–839, 91st Cong., 2d sess. The legislative vehicle was H.R. 14645, which had been introduced Nov. 4, 1969. As amended in committee, this bill was passed by the House Mar. 3, 1970. It was reported by the Senate Committee on the Judiciary on Dec. 18, 1970, with amendments, but no substantive amendments relating to the subject matter of this book. The Senate passed the measure Dec. 19, and the House concurred in the Senate amendments Dec. 21. Legislative history on slip-law print of Public Law 91–651.

[15] S. Rept. 91–1508, 91st Cong., 2d sess.

[16] 84 Stat. 1940.

[17] See Chapter XVI, pp. 456–457.

and it is the current (1976) practice of the Department of State not to give opinions as to the suitability of proposed uses of the Great Seal design, leaving that matter to the taste of the user and matters of legality to the Department of Justice.

Did the Presidents of the Continental Congress Have an Official Seal?

Available evidence indicates that early Presidents of the Continental Congress used personal seals when the sealing of official documents was required, but that Thomas Mifflin,[18] who served as President in 1783–1784, may have used an official seal.

When John Adams and others were given a joint commission to the court of France on November 27, 1777, Adams' commission was signed and sealed by Henry Laurens,[19] then President of the Continental Congress. Laurens' seal showed two arms holding aloft a laurel wreath above the script initials *HL*.[20]

Adams was issued two commissions on June 15, 1781: one to accept mediation in the efforts to bring the Revolutionary War to a close, and one to treat with Great Britain for peace. Both were signed and sealed by the then President of the Continental Congress, Samuel Huntington.[21] The seals on both commissions are in good condition, and both show the same device: "three small lions rampant within a crest, with one larger lion rampant above".[22]

After the Great Seal became available in September 1782, it was affixed to documents of the kind mentioned above to attest to the signature of the President of the United States in Congress assembled. Examples of Presidential seals thereafter are harder to find, particularly in good condition. As the Great Seal was

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[18] For a biographical sketch, see *Dict. Amer. Biog.*, XII, 606–608.

[19] Concerning Laurens, see Chapter VI, p. 108.

[20] Adams Papers, Mass. Hist. Society, Boston. The coauthor is indebted to Miss Elisabeth H. Breuer, Editorial Assistant, The Adams Papers, for her description of this seal and those cited in footnote 22, *infra*. Letter from Miss Breuer to Fredrick Aandahl, Office of the Historian, Dept. of State, Apr. 21, 1977, in the files of the Office of the Historian.

[21] For a biographical sketch, see *Dict. Amer. Biog.*, IX, 418–419.

[22] Adams Papers, Mass. Hist. Society, as described by Miss Breuer.

affixed to documents of state, the President's seal was apparently used to close envelopes containing official messages from the President of the Continental Congress to others, including governors of the States. And the envelopes, for the most part, were not preserved even when the messages have survived.

Benson J. Lossing,[23] in an article published in 1856, printed an illustration which he said was "Copied from an impression made in 1784, on a letter written by Thomas Mifflin, then President of the Continental Congress".[24] And a little more than fourteen years later Lossing reproduced the illustration, accompanied by the statement, "The impression from which the writer made the sketch here given was upon a document signed by President Mifflin in 1784".[25] Lossing's drawing is reproduced in this volume, from a later copy, in the lower right-hand corner of illustration 75. He described the seal as follows:

> . . . It was a small oval about an inch in length, the centre covered with clouds surrounding a space of open sky, on which were seen thirteen stars. Over these the motto, E PLURIBUS UNUM. . . .[26]

There seems no reason to doubt that Lossing had seen such a seal used by Mifflin in 1784, although whether the seal was "upon a document" or on the cover for a document may perhaps be an open question. Commodore Byron McCandless,[27] writing in 1945, gave a similar (if less detailed) description of a seal which Mifflin had used on an envelope enclosing a letter of November 23, 1783, to the Governor of Rhode Island concerning the signing of the definitive treaty of peace with Great Britain. Where McCandless had found this envelope is not known; the 1783 letter referred to is preserved in the archives of Rhode Island, but the envelope is not with it. McCandless, however, enclosed with his 1945 letter detailed photographs of the envelope, including an enlarged pho-

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[23] Concerning Lossing, see Chapter VI, p. 108.

[24] *Harper's New Monthly Magazine*, XIII, 185, July 1856.

[25] Lossing, "Executive Departments and Seals," p. 319.

[26] *Harper's New Monthly Magazine*, XIII, 185, July 1856. Lossing might have added that the stars were six-pointed. For a more detailed drawing of the seal, by David McNeely Stauffer, see illustration 91. It is not known whether Stauffer's source was the Lossing drawing or an actual seal impression.

[27] Concerning McCandless, see Chapter XVI, p. 430.

tograph of the seal itself—reproduced here as illustration 92—which proves that Lossing's description was substantially correct.[28]

The question arises, Was the seal used by Mifflin a personal or an official seal? Lossing says that Congress ordered a seal for the use of its President,[29] but no such order has been found in the *Journals of the Continental Congress* or in the manuscripts of that body, and Lossing does not indicate the date of the supposed order. If it could be proved that Mifflin inherited this seal from his predecessor, Elias Boudinot,[30] of New Jersey, or passed it on to his successor, Richard Henry Lee,[31] of Virginia, there would certainly exist a *prima facie* case that Mifflin's seal was an official one. But no evidence has been found (although it may exist) that either Boudinot or Lee used a seal of this design.

Could a seal with clouds, thirteen stars, and the motto *E Pluribus Unum* be Mifflin's personal seal? It seems unlikely. Thomas Mifflin's ancestor had brought a seal with him from England to America in 1679, and the device of that seal was a chevron and a single mullet of six points,[32] which has been accepted as the Mifflin family coat of arms.[33] That device is what one would expect to find on Thomas Mifflin's personal seal. Yet the seal he used seems clearly derivative from the blazon for the Great Seal adopted on June 20, 1782.

Would a President-elect or President of the Continental Congress choose such a design for a personal seal? It is of course possible, and might be considered on a par with the use of the

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[28] Letter from McCandless to Capt. James K. Vardaman, Naval Aide to the President, May 29, 1945, folder "Presidential Flag and Seal", George M. Elsey Papers, Truman Library. Enclosures to that letter marked *Q*, *R*, and *S*, oversize file, Harry H. Vaughan Papers, *ibid.* Letter to the coauthor, June 10, 1977, from Mrs. Phyllis C. Peloquin, Director of Archives, R.I. Dept. of State, Providence. Miller, ed., *Treaties*, II, 151–156.

[29] *Harper's New Monthly Magazine*, XIII, 185, July 1856. Lossing also states that Congress "ordered a seal half the size of the great one, to impress wax and paper, as . . . upon this commission signed by . . . Charles Thomson." No evidence has been found to substantiate this statement either, although the report of the second seal committee in 1780 (which was not adopted) recommended a half-size seal. See Chapter III, p. 40.

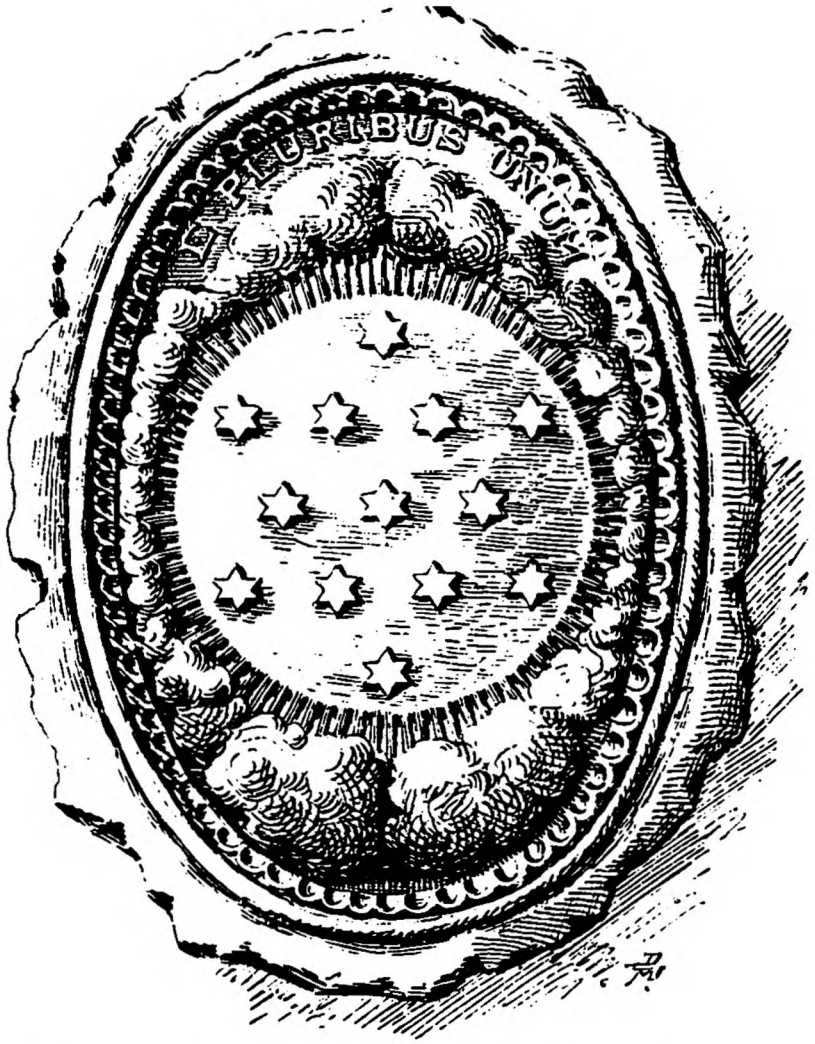
[30] Concerning Boudinot, see Chapter IV, p. 45.

[31] For a biographical sketch, see *Dict. Amer. Biog.*, XI, 117–120.

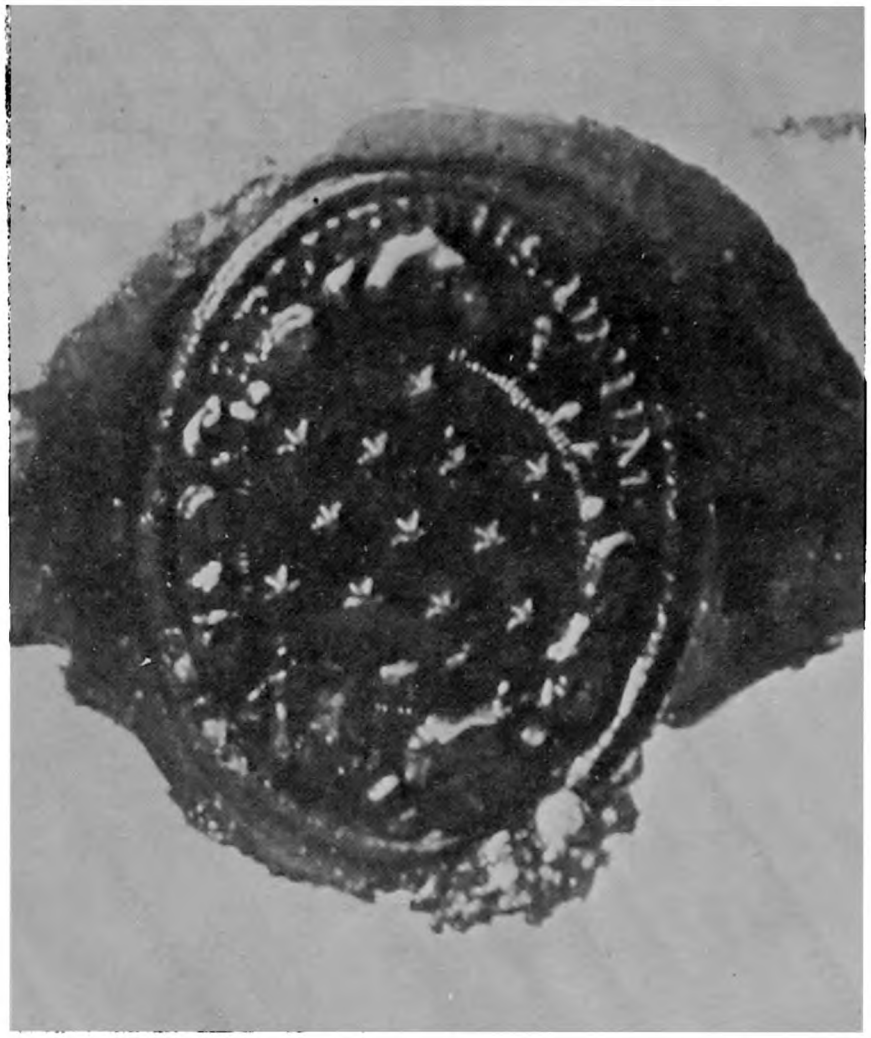
[32] Merrill, *Memoranda Relating to the Mifflin Family*, frontispiece.

[33] Jordan *et al.*, eds., *Colonial and Revolutionary Families*, new series, IV, plate facing p. 915. Leach and DuBin, *Mifflin Family*, first page of text.

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91. The Stauffer Drawing (*circa* 1885) of Thomas Mifflin's Seal



92. Impression (1783) From Thomas Mifflin's Seal

Great Seal device in recent years by a few public officials and retired public officials on items of personal property. It seems more likely, however, that Mifflin's seal was indeed, as Lossing asserted, an official seal, despite the lack of contemporary records to document it. Further research in the public and private papers of the early Federal period may yet turn up a definitive answer.[34]

One more question remains to be considered: Was Mifflin's seal perhaps the seal made by Robert Scot, of Philadelphia, for which Secretary of Congress Charles Thomson settled the account in 1785?[35] That too is a possibility. Mifflin was apparently in Philadelphia when the Continental Congress, then meeting at Annapolis, elected him *in absentia* to be its President on November 3, 1783.[36] He presumably would not have ordered such a seal executed before he had received official notification of his election, and, as noted above, he was using it on official correspondence by the following November 23. A small and simple seal or signet ring could presumably have been engraved in the interval. No evidence has been found, however, that Thomson was authorized to use public funds to pay for such a seal, and the explanation offered in Chapter VII that Thomson was perhaps paying for the 1782 die of the Great Seal seems equally plausible.

The question of the Mifflin seal was placed at the end of this chapter in the hope that a definitive answer could be found before this volume went to print. Such an answer has not been found, and the question is left for further research by historians and sigillographers.

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[34] Three scholars of the period to whom the author wrote in 1973 were unable to shed light on the question of the Mifflin seal. Letters to the author, Sept. 24, 1973, from Dr. Howard H. Wehmann, Archivist, Center for the Documentary Study of the American Revolution, National Archives, Washington; Oct. 11, 1973, from Dr. Paul H. Smith, American Revolution Bicentennial Office, Library of Congress, Washington; Nov. 18, 1973, from Dr. Herbert E. Klingelhofer, of Bethesda, Md.

[35] See Chapter VII, p. 114.

[36] *Journals*, XXV, 799.

PUBLICATIONS ON THE HISTORY OF THE SEAL

In the course of two hundred years much material about the Great Seal has been published, some unofficially and some by the Government. Although this material has taken the form usually of articles of various lengths, it includes also a few books. Writing on the subject commenced at an early date and has increased in volume with passing time. Incomplete and erroneous information characterizes most of these writings. Some merely copied earlier publications, mistakes and all, offering nothing new except perhaps personal views on how the Great Seal should be redesigned. One whole category, devoted to the esoteric study of the "meaning" or "significance" of the seal design and its elements, is entirely outside the scope of this volume. Thus by no means everything that has been written on the Great Seal is listed here. The unofficial writings that are listed have been selected for their contributions to knowledge, despite their deficiencies, or because they stimulated interest in the subject, spurring further investigation.

Unofficial Writings

1786. "Description of the Arms of the United States". *Columbian Magazine*, Philadelphia, September 1786, pages 33–34.

The earliest known magazine piece on the Great Seal, this item consists of the blazon and remarks and explanation as adopted by Congress June 20, 1782, with brief comment. A full-page engraving of the obverse faces page 33, and a similar engraving of the reverse is the frontispiece of the October issue (see illustrations 63 and 64). It is to be noted, however, that not all existing files of the magazine include the engraving of the reverse.

1856. Benson J. Lossing. "The Great Seal of the United States". *Harper's New Monthly Magazine*, volume XIII, July 1856, pages 178–186.

For further information about this article, see Chapter VII.

1865. Albert Wadhams. *An Essay upon the Origin and Use of Seals, also, Introducing a Design for an Improved Seal of the United States*. Albany, Weare C. Little, 1865. 40 pages.

The author knew little of the facts regarding the Great Seal. He overlooked the failure of the die of 1841 to conform to the law, and he took seriously the Prestwich story. Referring to his proposed modifications of the design, he wrote (page 27): "By this design for a Seal, while that part of the device originated by our forefathers is retained, all that part devised by the English lord is changed."

Copies of Wadhams' pamphlet are rare. In 1973 it was not listed in the Library of Congress catalog, although there was a card for it in the National Union Catalog. A copy that Wadhams sent to Secretary of State William H. Seward with a letter dated at Richmond, Berkshire County, Massachusetts, September 29, 1865, is with the letter in Miscellaneous Letters, September 1865, part II, D.S., R.G. 59, entry 102, N.A.

1877. John D. Champlin, Jr. "The Great Seal of the United States: Concerning Some Irregularities in It". *The Galaxy*, volume XXIII, May 1877, pages 691–694.

This brief but important article, although containing various errors of fact, shows some knowledge of the designing of the Great Seal; it mentions and questions the Prestwich story (see Chapter VII); and it points out what the author regarded as faults in the seal design as adopted. It concludes with criticism of the die of 1841 and of the officers who permitted its departures from the specifications of the law. This article and its author played a major part, though belatedly, in the creation of the Great Seal die of 1885 (see Chapter XII), which established the pattern for that in use today.

1885. "The Great Seal: the Law of Heraldry—the New Die—a Valuable Review". *The Daily Graphic*, New York, May 14, 1885, page 591.

This brief article, although including a few inaccuracies, records some information about the die and press of 1885 not available elsewhere. Its two large and clear illustrations of Great Seal designs, one the die of 1877 and one that of 1885, are mislabeled "The Old Seal of the State Department" and "The New Seal of the State Department." The latter design is here reproduced as illustration 43.

1893. E. T. Lander. "The Great Seal of the United States" *Magazine of American History*, volume XXIX, May–June 1893, pages 471–491.

Although containing many errors of fact, this article is the most comprehensive account of the history of the Great Seal published to its date, surpassing Hunt's 1892 pamphlet in breadth and fullness of information. Sources are cited in a footnote on page 490.

1897. Charles A. L. Totten. *The Seal of History: Our Inheritance in the Great Seal of "Manasseh," the United States of America; Its History and Heraldry; and Its Signification Unto "the Great People" Thus Sealed.* New Haven, The Our Race Publishing Company, 1897. 2 volumes.

Of Totten's two volumes, only the first is relevant here. Totten devoted some sixteen years to gathering his material and writing this volume. He was dedicated to his subject; he was curious, persistent, and tireless in his pursuit of pertinent information; and he was somewhat scholarly in his methods. Although he fell into numerous errors, his work incorporates a scattering of information that had not previously been available elsewhere. In addition to his writing about the Great Seal, Totten's personal activities contributed to the subject, as noted in Chapter XII and elsewhere.

1903. Bernard J. Cigrand. *Story of the Great Seal of the United States; or, History of American Emblems.* Chicago, Cameron, Amberg & Company, 1903. 544 pages.

This patriotically inspired but wordy tome, based chiefly on secondary sources, mingles fact with fiction and an abundance of errors. It does, however, include a few scattered bits of information and photographs not to be found elsewhere. The book itself is now rare, but can be purchased from the Library of Congress on microfilm.

1914. Gaillard Hunt. *The Department of State of the United States: Its History and Functions.* New Haven, Yale University Press, 1914. 459 pages.

Material regarding the Great Seal and its use, including some errors, is on pages 69, 71, 73, 198, and 248–269.

1941. Richard S. Patterson. "Seal of the United States". *Encyclopædia Britannica*, 1941 printing, volume XX, pages 243A–243B.

Based on original research in primary sources, this brief article presented new information. Revised in the 1971 printing, volume XX, pages 128–128B.

1949. Richard S. Patterson. *The Old Treaty Seal of the United States*. Washington, Gibson Brothers, 1949. 19 pages.

"Reprinted, by permission of the American Foreign Service Association, from *The American Foreign Service Journal*, volume 26, No. 3, March 1949, pages 14–16 and 44, with slight revision and with the addition of notes chiefly relating to sources."

The article was based on original research in primary sources. The reprint includes some information not in the magazine version.

1961. Frank H. Sommer. "Emblem and Device: The Origin of the Great Seal of the United States". *The Art Quarterly*, volume XXIV, Spring 1961, pages 56–76.

A pioneer study of the influence of European emblems and devices on art forms in colonial America, this article linked the first emblem in Joachim Camerarius' third book of emblems with the design of the obverse of the Great Seal of the United States.

Official Publications

1885. *Correspondence Between Hon. Charles J. Folger, Secretary of the Treasury. and Hon. A. Loudon Snowden, Superintendent of the Mint of the United States, Philadelphia, Relative to Striking a Medal Commemorative of the Adoption of the Great Seal of the United States*. Philadelphia, William F. Murphy's Sons, 1885. 14 pages.

This report by Snowden, dated February 24, 1882, shows the limited and faulty state of knowledge of the history of the Great Seal on its one hundredth anniversary. The report had previously been printed—without three footnotes and with an accompanying newspaper article—in *The Public Ledger*, Philadelphia, June 24, 1882, supplement, page 2.

1892. Gaillard Hunt. *The Seal of the United States: How It Was Developed and Adopted*. Washington, Department of State, 1892. 32 pages.

This was the first attempt by the Department of State to make available to the public information about the Great Seal, its history, and its use. Having good illustrations but inadequate and inaccurate text, the publication was suppressed because of its errors (see Chapter XII).

1909. Gaillard Hunt. *The History of the Seal of the United States*. Washington, Government Printing Office, 1909. 72 pages.

This well known publication includes a useful account of the designing of the Great Seal and good illustrations, but it is outdated by more recent research.

1939. U.S. Department of State. *The Seal of the United States.* Department of State publication 1314. Washington, U.S. Government Printing Office, 1939. 4 pages.

Brief, superficial, and containing a few errors of fact, this publication was superseded by publication 2860.

1947. U.S. Department of State. *The Seal of the United States.* Department of State publication 2860. Washington, U.S. Government Printing Office, 1947. 4 pages.

Superseded by publication 4549.

1952. U.S. Department of State. *The Seal of the United States.* Department of State publication 4549. Washington, U.S. Government Printing Office, 1952. 4 pages.

Superseded by publication 6455.

1957. U.S. Department of State. *The Seal of the United States.* Department of State publication 6455. Washington, U.S. Government Printing Office, 1957. 14 pages.

A brief survey of the subject, with illustrations, now long out of print.

1976. U.S. Department of State. *The Great Seal of the United States.* Department of State publication 8868. Washington, U.S. Government Printing Office, 1976. 8 pages.

A brief statement, with illustrations, including reproductions in color of the obverse and reverse of the Great Seal, prepared by Jan K. Herman, of the Office of Media Services, Bureau of Public Affairs. The text drew on an early draft of the present book.

GLOSSARY

This glossary of heraldic and technical terms contains only terms used in this book, and the definitions are confined to particular usages which occur in this book. It should be noted that some of the spellings are archaic and that some of the heraldic terms would not be defined in this way in modern heraldry.

achievement, a coat of arms with accompanying supporters, helmet, wreath, crests, and motto

alternat, in treaty practice, the different arrangement of the originals of an agreement in such a way that the original retained by each party gives priority or precedence to elements pertaining to that party

annulet, a circle or ring

argent, silver, one of the heraldic metals, usually represented as pure white by heraldic painters; represented in engraving and printing by a plain or white surface

arms, the heraldic shield and its charges

atchievement, a variant spelling of *achievement*

azure, blue, one of the heraldic colors; represented in engraving and black-and-white printing by horizontal lines

banner, a square or quadrangular flag displaying arms or a heraldic device

barry, arranged in the form of horizontal stripes or bars in alternating tinctures

bars, pieces of metal placed on the front of a helmet to protect the face while permitting the wearer to see through the intervening spaces

barways, arranged horizontally on the shield

base, the lower part of the shield

baton, a staff borne as a symbol of office

bearing, a heraldic charge

blazon, a written technical description, in heraldic language, of armorial bearings

border, a margin at the edge of the shield, of equal breadth all around

canton, a square placed in the dexter chief of the shield, i.e., in the upper right corner of the shield as held from behind, but the upper left corner as viewed from in front

cap of dignity, a head covering made of colored velvet, turned up with ermine

cap of liberty, a limp close-fitting conical cap resembling that given to a Roman slave upon manumission, used as a symbol of liberty in the American Colonies

charge, a heraldic figure represented in a coat of arms

charged, bearing a heraldic charge or figure

chevron, two stripes or bands of equal length, sloping diagonally toward each other and meeting at an angle or point

chief, the upper part of the shield

cloud puffs, roughly round or oval units which together form a cloud

coat of arms, a heraldic composition comprising the distinctive device of an individual, country, etc.

cock, one of the heraldic birds, frequently used as a crest

constellation, a grouping of stars

counter-die, a complementary die so manufactured (with the design standing up in relief) as to improve the impression from the die when a document or seal wafer is pressed between the two

counter-flory, having fleurs-de-lis set opposite each other in pairs

counters, counter-dies

coupé two, divided into three parts by two horizontal lines of partition

couped, cut off

crest, a figure or other device placed above the helmet or on wreaths, coronets, or caps of dignity

croslet, a small cross

cross potence, a cross with four arms of equal length with a bar placed at a right angle at the end of each arm

damasked, ornamented with wavy lines, as on Damascus steel

damaskeening, ornamentation with wavy lines

dexter, on the right side as seen from behind the shield, but on the left side as viewed from in front

dexter supporter, a figure placed at the right side of the shield as viewed from behind, but on the left side as viewed from in front

dexter talon, a heraldic bird's own right talon, to the viewer's left on a coat of arms or seal impression, but to his right on a die cut in intaglio

die, a metal block engraved with a design, used to stamp, emboss, or mold a seal on paper or wax

difference, an alteration made in a coat of arms to provide separate arms for an individual which are yet clearly derived from and identified with another's arms

displayed, with wings spread or expanded on each side of the body and with wing tips pointing upward

dove, one of the heraldic birds

droit d'aubaine, the right of a country to confiscate the estate of an alien who died on its territory

eagle, one of the heraldic birds

en placard, affixed directly to the face of a document, with or without the use of a paper wafer

endorsed, with two elements of a heraldic charge (e.g., wings) arranged back to back

ensign, a flag

entoile, charged with a multiple design (usually eight units) of inanimate charges, used with reference to heraldic borders

ermine, white with black spots, one of the heraldic furs; represented in engraving and black-and-white printing by small tails surmounted by three spots on a plain field

escutcheon, the shield upon which arms are drawn, painted, or engraved

estoile (also *étoile* and *estoil*), a heraldic six-pointed star, usually shown with wavy points to give a flaming effect (may have more than six points if so blazoned); to be distinguished from the mullet

exequatur, an instrument recognizing the official status of a foreign consular officer

exergue, a space on a medal or seal, usually on the reverse below the central part of the design, often containing a date

female die, a die cut in intaglio

fess, a variant term for *fess-point*

fess-point, the very center of the shield

field, the ground or foundation of the shield, always mentioned first in the blazon

fillet, a narrow strip of ornamental material, such as a ribbon for a woman's hair

fleur-de-lis, the heraldic conventional form of the lily; an emblem for France

flory, ending with a fleur-de-lis

flower de luce, a variant spelling of *fleur-de-lis*

fly, the horizontal dimension of a flag

full power, a formal instrument delegating to an individual or individuals authority to take a specified action (such as negotiation of a treaty) on behalf of a government

gaffs, metal spurs fixed to the legs of gamecocks

glory, issuing rays; an emanation of light surrounding or appearing from behind an object

grated, protected with a grating or bars, as on a helmet

gules, red, one of the heraldic colors; represented in engraving and black-and-white printing by vertical lines

harp, an emblem for Ireland

helmet, representation of the headgear worn by a knight in armor, placed above the heraldic shield with the specific function of bearing the crest

hoist, the vertical dimension of a flag

honor point, the part of the shield above the center or fess-point

honorable ordinaries, heraldic charges made with lines only, e.g., the chief and pale

imperial eagle, a double-headed eagle, an emblem for the Holy Roman Empire

in base, in the lower part of the shield

in chief, in the upper part of the shield

in fess, in the center part of the shield

in intaglio, engraved in such a way that the design is cut or scooped out (and in reverse), so that the device of a die cut in intaglio will be embossed or in relief when the die is impressed on wax or paper

in saltier, placed in the form of a diagonal cross

lance, a weapon with a long shaft and sharp head or point

legend, a text, sometimes with words abbreviated, arranged around a seal, medal, or armorial achievement

letter of credence, a formal document notifying the receiving state of the appointment of a diplomatic representative

letter of recall, a formal document notifying the receiving state of the termination of appointment of a diplomatic representative

male die, a counter-die with the device appearing in relief

marshalled, arranged

matrix, counter-die; sometimes used for a die

motto, a word, phrase, or sentence which may accompany a coat of arms

mullet, a heraldic five-pointed star (or the rowel of a spur), drawn with straight lines (may have more than five points if so blazoned); to be distinguished from the six-pointed *estoile* with wavy rays

obverse, the front side or face of a seal; in the case of the Great Seal of the United States, the only side used for impressing the seal on documents

of the first, of the same tincture as the field, i.e., the tincture named first in the blazon

of the third, of the same tincture as the third-named tincture in the blazon

or, gold, one of the heraldic metals, represented as either gold or yellow by heraldic painters; represented in engraving and black-and-white printing by small dots

ordinaries, one of those figures which by their frequent use have become proper to the science of heraldry, such as the chief and the pale

pale, a perpendicular band passing from the top of the shield to the bottom

paleways, arranged vertically on the shield

pallet, a perpendicular stripe or band narrower than a pale

paly, arranged in the form of perpendicular stripes or bands, usually alternating between one of the heraldic metals and one of the heraldic colors

parti one, coupé two, divided into six parts by one vertical line and two horizontal lines of partition

parti per pale, divided vertically

pendant seal, a seal hanging from a document and attached thereto by ribbons, cords, or strips of paper or parchment; to be distinguished from a seal *en placard*

phoenix, a fabulous bird, represented as rising from ashes or issuing from flames

pieces, individual parts

pileus, cap of liberty

proper, depicted in true shape and natural colors

quarters, divisions (four or more) of the shield

radiant triangle, a triangle with a glory or rays of light emanating from it

radiated crown, a crown decorated with rays or beams of light

realization, a painting, drawing, engraving, or the like, prepared from a blazon or written description of a design

reverse, the back side or face of a seal, intended for impression on the bottom side of a wax pendant seal

rose, an emblem for England

rouge, red

sable, black, one of the heraldic colors; represented in engraving by crossed vertical and horizontal lines, and in printing either in the same way or by black ink

sanguinated, bloodied

scroll, one of the ornaments which may accompany the shield, usually bearing a motto

scutcheon, a variant spelling of *escutcheon*

seal paper, a piece of paper or parchment affixed to a document by means of a disk of adhesive upon which a seal die is impressed; later called a seal wafer

seal wafer, a disk of red adhesive used to affix a seal paper to a document; later a piece of paper or parchment affixed to a document by glue or paste upon which a seal die is impressed

Secretary of State ad interim, a title applied to an officer who acts as Secretary of State when the Secretaryship is vacant

semé, a variant spelling of *semée*

semée, covered with a charge repeated in considerable numbers so as to give the impression of being strewn or scattered in a pattern

senester, a variant spelling of *sinister*

shield, the escutcheon, in the shape of a shield, upon which arms are drawn, painted, or engraved

sinister, on the left side as seen from behind the shield, but on the right as viewed from in front. The eagle's sinister talon is therefore its own left talon, but to the viewer's right; likewise the sinister supporter is the one to the left of the shield as seen from behind, but to the right as viewed from in front

skippet, a round metal box to contain and protect a pendant seal, usually fastened to a document such as a treaty by ornamental cords which pass through both the pages of the document and the wax seal contained in the skippet

skippet cover, the top of a skippet, frequently decorated with the design that is impressed on the wax seal contained in the skippet

star, a celestial body depicted with radiating points (usually five or six); also the heraldic *estoile;* executed as a mullet in dies of the Great Seal cut in 1841 and thereafter

supporter, a figure of a living creature (although it may be mythical) represented as holding up or standing beside the shield

tenants, supporters in the form of human figures

tenné, orange, one of the heraldic colors; represented in engraving and black-and-white printing by a combination of the lines used for *azure* and *vert*

testimonium clause, a formula used at the end of a formal document, frequently beginning with the words "In witness whereof", usually stating the place and date of the execution of the document

thistle, an emblem for Scotland

tinctures, the heraldic metals, colors, and furs

tips, the conventional lines and dots used to represent heraldic tinctures in engraving and black-and-white printing

tressure, a diminutive border of a shield charged upon the field of a larger shield, as in the royal arms of Scotland

unperfected treaty, a treaty which has not entered into force, but which is no longer considered as pending

verd, a variant spelling of *vert*

vert, green, one of the heraldic colors; represented in engraving and black-and-white printing by lines running from dexter chief to sinister base, i.e., from the upper left (as a viewer sees the shield from in front) to the lower right

SOURCES

Footnote citations in the preceding chapters have been made as short as possible so as not to overburden the text. It is believed, however, that most of the abbreviations and short titles in the footnotes can be matched without difficulty with the full citations given below. A few specialized abbreviations are explained in the section immediately following, and cross references have been used whenever a short title would not lead immediately to the full entry in the bibliography.

Abbreviations

The following specialized abbreviations used in footnotes require explanation:

D.S., Department of State (used only in connection with the records or publications of the Department)
L. C., Library of Congress
Ms. Div., L.C., Manuscript Division, Library of Congress
N.A., National Archives
Op. A.G., Opinions of the Attorney General (*see* U.S. Department of Justice *under* Other Sources, *infra*)
R.G., Record Group (in the National Archives)
Stat., Statutes (*see The Statutes at Large . . . under* Other Sources, *infra*)

Artifacts and Manuscript Sources

National Archives, Washington

A rich collection of artifacts and manuscripts relating to the history of the Great Seal is located in the National Archives, which also has records relating to the seal of the President, the seal of the Department of State, and related seals. Materials from the following "record groups" have been cited:

R.G. 11, General Records of the United States Government. This record group contains the Great Seal dies of 1782, 1825, and 1841; the Lewis skippet-cover mold; the counter-die of 1866; skippets and pendant seals on unperfected treaties; and impressions from the various Great Seal dies on a large number of documents, particularly in the files of Presidential proclamations, perfected treaties, and Indian treaties. Executive orders are also in this group.

R.G. 15, Records of the Veterans Administration.

R.G. 29, Records of the Bureau of the Census. Information taken from the Federal decennial censuses in this record group is cited in the following form: Seventh Census, 1850, D.C.

R.G. 42, Records of the Office of Public Buildings and Public Parks of the National Capital.

R.G. 46, Records of the United States Senate.

R.G. 56, General Records of the Department of the Treasury.

R.G. 59, General Records of the Department of State. Material on the Great Seal and the seal of the Department is scattered throughout this record group. To facilitate location of the records cited, an entry number is used to identify each category of record on its first appearance in each chapter; that entry number is taken from U.S. National Archives, *Preliminary Inventory of the General Records of the Department of State (Record Group 59)*, compiled by Daniel T. Goggin and H. Stephen Helton.

R.G. 76, Records of Boundary and Claims Commissions and Arbitrations.

R.G. 84, Records of the Foreign Service Posts of the Department of State.

R.G. 104, Records of the Bureau of the Mint.

R.G. 217, Records of the United States General Accounting Office.

R.G. 233, Records of the United States House of Representatives.

R.G. 267, Records of the Supreme Court of the United States.

R.G. 360, Records of the Continental and Confederation Congresses and the Constitutional Convention. Material from this record group (cited as Papers Cont. Cong.) is identified by an item number which is taken from U.S. National Archives, *Papers of the Continental Congress, 1774–89* (pamphlet accompanying Microcopy No. 247).

Library of Congress, Washington

The following collections have been used in the Manuscript Division of the Library of Congress:

Pierre Eugène Du Simitière Notebooks.

Benjamin Franklin Papers.

John Hay Papers.

Thomas Jefferson Papers.

John Bassett Moore Papers.

Charles Thomson Papers.

George Washington Papers.
Woodrow Wilson Papers.

Unsuccessful searches for relevant material were made in the J. C. Bancroft Davis Papers, the Charles Eliot Norton Papers, the Augustus Saint-Gaudens Papers, the James Madison Papers, and the Hunt Family Papers (which include papers of Gaillard Hunt).

Some primary source material in the Prints and Photographs Division of the Library of Congress has also been used and cited.

Department of State, Washington

The Secretary of State has in his custody (in the Exhibit Hall of the Department of State Building) the prime artifact of concern to this study, namely, the current die, counter-die, and press for the Great Seal of the United States. The obsolete die of 1885 and three counter-dies not currently in use are preserved in the Presidential Commissions office of the Department. Dies of the Department of State seal are in use in the Authentication Branch, the Passport Office, the Office of Munitions Control, the Visa Office, the Diplomatic Mail and Pouch Branch, and the office of the Assistant Legal Adviser for Treaty Affairs. A die of the United States coat of arms is used in the Office of Protocol.

Manuscript materials have been used from the Department's Central Files (located in the Foreign Affairs Documents and Reference Center) and from the files of the Executive Secretariat, the Presidential Commissions office, the Office of the Historian, the Office of Press Relations, the Office of the Legal Adviser, and the Passport Office.

White House, Washington

The Records Office of the White House has custody of the current dies of the seal of the President of the United States. The design of that seal (as of various dates) also appears on numerous artifacts in the White House. In addition, materials in the Office of the Curator and the Calligraphy Office have been cited.

Institute of Heraldry, United States Army

The Library of the Army's Institute of Heraldry, now located at Cameron Station, Alexandria, Virginia, has valuable files on

the history of the seals of the President and Vice President of the United States. These files include papers collected or generated by the Institute's predecessor, the Heraldic Branch of the Office of the Quartermaster General.

Smithsonian Institution, Washington

The collections of the Smithsonian Institution are rich in artifacts bearing the design of the Great Seal and of the seal of the President. Materials have been cited from the White House Documents file in the Division of Political History, and from the "Furlong Flag file" in the Division of Naval History, National Museum of History and Technology, Smithsonian Institution.

Massachusetts Historical Society, Boston

Items (either documents or seal impressions) have been cited from the following collections in the Massachusetts Historical Society:

Adams Papers.
George Bancroft Papers.
Theodore F. Dwight Papers.
Edward Everett Papers.
J. O. Sargent Papers.
Theodore Sedgwick Papers.
Storer Papers.

An unsuccessful search for relevant material was made in the Appleton Papers.

Historical Society of Pennsylvania, Philadelphia

Items of interest were found in the following collections:

Robert Aitken Papers.
Stauffer Collection.
Charles Thomson Papers.

An unsuccessful search for relevant material was made in the Gratz Collection.

It should be noted that the Aitken Papers mentioned above are housed in and administered by the Historical Society of Pennsylvania, but form part of the collections of the Library Company of Philadelphia.

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Harry S. Truman Library, Independence

Valuable material relating to the seals of the President and Vice President of the United States was found in the Harry S. Truman Papers, the George M. Elsey Papers, and the Harry H. Vaughan Papers in the Truman Library.

Other Collections

Indian peace medals of 1789–1795, engraved with the design of the obverse of the Great Seal, are preserved in the collections of the American Numismatic Society, the Public Archives of Canada, the Chicago Historical Society, and the Western Reserve Historical Society. An example of Continental currency relevant to this study was photographed from the collections of the American Antiquarian Society.

The British Public Record Office in London and the Italian State Archives in Rome contain interesting examples of skippets and pendant seals attached to United States instruments of ratification of treaties, as well as related papers.

One or two relevant items have been cited from each of the following collections: the American Philosophical Society, Philadelphia (from the Thomas Jefferson Papers and the Miscellaneous Manuscript Collection); the University of Iowa, Iowa City (from the Henry A. Wallace Papers); the William L. Clements Library, University of Michigan, Ann Arbor (from the James McHenry Papers); the Franklin D. Roosevelt Library, Hyde Park (from the Papers of Henry Morgenthau, Jr.); the New York Public Library, the Metropolitan Museum of Art, and St. Paul's Chapel of Trinity Parish, New York; the Bureau of the Mint and the Bureau of Engraving and Printing of the Department of the Treasury, Washington; the Mount Vernon Ladies' Association, Mount Vernon, Virginia; the Fort Ward Museum and the George Washington Historical Museum (in the George Washington Masonic National Memorial), Alexandria, Virginia; the Woman's National Democratic Club, Washington; the Vital Records Division, Department of Human Resources, Government of the District of Columbia, Washington; and the offices of the Registers of Wills at Washington and Philadelphia.

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